



**University College Cork -
National University of Ireland,
Cork**

CHILD SAFEGUARDING STATEMENT

Final

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Table of Contents

1.	NAME OF SERVICE BEING PROVIDED	6
2.	NATURE OF SERVICE AND PRINCIPLES TO SAFEGUARD CHILDREN FROM HARM	6
3.	AIMS AND OBJECTIVES	6
4.	LEGAL FRAMEWORK	7
5.	ROLES AND RESPONSIBILITIES	7
6.	RISK ASSESSMENT	9
7.	PROCEDURES	9
8.	REPORTING FRAMEWORK	12
9.	RESEARCH ACTIVITIES INVOLVING CHILDREN – BEST PRACTICE	19
10.	CONFIDENTIALITY & RECORD KEEPING	19
11.	OTHER CONSIDERATIONS	20
12.	IMPLEMENTATION & REVIEW	21
13.	USEFUL CONTACT NUMBERS	21
	APPENDIX 1 - SIGNS AND SYMPTOMS OF CHILD ABUSE.....	21
	APPENDIX 2 - MANDATED PERSONS SPECIFIED IN THE 2015 ACT.....	27
	APPENDIX 3 - SEXUAL OFFENCES SPECIFIED IN THE 2015 ACT.....	29
	APPENDIX 3A - EXEMPTIONS FROM REQUIREMENTS TO REPORT SEXUAL OFFENCES.....	30
	APPENDIX 4 - SCHEDULE OF RELEVANT SERVICES UNDER THE 2015 ACT.....	31
	APPENDIX 4A - RISK ASSESSMENT.....	32
	APPENDIX 5 - LEGAL FRAMEWORK AND KEY PUBLICATIONS.....	1
	APPENDIX 6 - MANDATED ASSISTANCE.....	2
	APPENDIX 6A - REPORT FORMS.....	3
	APPENDIX 6B – RETROSPECTIVE ABUSE REPORT FORM.....	8
	APPENDIX 7 - OFFENCES UNDER THE CRIMINAL JUSTICE (WITHHOLDING OF INFORMATION ON OFFENCES AGAINST CHILDREN AND VULNERABLE PERSONS) ACT 2012.....	44
	APPENDIX 8 - THE UNIVERSITY'S WORKING GROUP MEMBERSHIP.....	46

DEFINITIONS

“Assault” in relation to a child, means when someone deliberately hurts a child physically or puts him/her at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. Please refer to **Appendix 1** of this Child Safeguarding Statement (“**CSS**”) where an extract from Chapter 2 of the 2017 Guidance is reproduced. This outlines types of child abuse and how they may be recognised.

“Child” means a person under the age of 18 years of age other than a person who is or has been married.

“Designated Liaison Person” (“DLP”) means a person appointed by the University in accordance with the 2017 National Guidance. For the purpose of this CSS, the DLP will also be the Relevant Person.

“Harm” means in relation to a child-

- 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
- sexual abuse of the child,

whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise.

“Ill-treatment” means in relation to a child, to abandon or cruelly treat the child, or causing or procuring or allowing the child to be abandoned or cruelly treated. Please refer to **Appendix 1** of this CSS where an extract from Chapter 2 of the 2017 Guidance is reproduced. This outlines types of child abuse and how they may be recognised.

“Mandated Person” (“MP”) means a person, employed by the University, who is specified in Schedule 2 of the 2015 Act, the full list of MPs specified in Schedule 2 of the 2015 Act, is attached at **Appendix 2** of this CSS.

“Mandated Report” means a report made by a mandated person in accordance with Sections 14(1) & 14(2) of the 2015 Act.

“Neglect” means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care. Please refer to **Appendix 1** of this CSS where an extract from Chapter 2 of the 2017 Guidance is reproduced. This outlines types of child abuse and how they may be recognised.

“Non-Mandated Persons” (“NMPs”) means, for the purpose of this CSS, any person employed by the University other than an MP.

“Non-Mandated Report” means any report made to Tusla in accordance with this CSS and/or the National Guidance, other than a mandated report.

“Physical Abuse” in this CSS, physical abuse has the same meaning as assault. Please refer to **Appendix 1** of this CSS where an extract from Chapter 2 of the 2017 Guidance is reproduced. This outlines types of child abuse and how they may be recognised.

“Relevant Person” (“RP”) means the person appointed by the University as the relevant person in accordance with Section 8 of the 2015 Act and who will be the first point of contact in respect of this CSS. For the purpose of this CSS, the Relevant Person will also be the DLP.

“Sexual Abuse” means in relation to a child, the offences specified in Schedule 3 of the 2015 Act, which schedule is attached in **Appendix 3** of this CSS. Please refer to **Appendix 1** of this CSS where an extract from Chapter 2 of the 2017 Guidance is reproduced. This outlines types of child abuse and how they may be recognised.

The “2015 Act” refers to the Children First Act 2015, as amended.

The “2017 Guidance” refers to *“Children First: National Guidance for the Protection and Welfare of Children”*, issued by the Department of Children and Youth Affairs in 2017.

“Welfare” in relation to a child, includes the moral, intellectual, physical, emotional and social welfare of the child.

“University” means University College Cork.

“University members,” as per section A4 of the Principal Statute, University members are defined as:

- members of the Governing Body
- members of the Academic Council,
- the University's employees,
- the University's students,
- the University's graduates,
- any other person the governing body may appoint to be members.

For the purpose of this CSS, it also includes any volunteer, service provider or graduate member engaged in the University's arranged activity.

1. Name of Service being Provided

1.1. The University is the provider of third and fourth level education.

2. Nature of service and principles to safeguard children from harm

2.1. The University falls within the definition of an organisation that provides relevant services to children as outlined in Schedule 1 of the 2015 Act, Schedule 1 is reproduced in **Appendix 4** of this CSS.

2.2. The University admits some students who are under the age of 18. It provides education, engages in research and provides other activities including Law Academy, Access Programme Easter School, Orientation Week, school tours, and summer camps that involve children coming onto the campus.

2.3. Any new activity involving children will be risk assessed by the organiser.

2.4. This CSS is intended to ensure compliance with the University's obligations under the 2015 Act, the 2017 Guidance and the requirement of the Code of Governance for Irish universities; to ensure that allegations of child abuse and neglect are reported in accordance with this CSS and to provide a clear framework for managing such reports to assist and support staff.

2.5. The University will uphold the key principle that the welfare of the child is paramount and that children are protected, treated with respect, listened to and have their views taken into consideration.

2.6. The University will maintain links with Tusla and An Garda Síochána in order to promote child protection and welfare policies and practices.

3. Aims and Objectives

3.1. The purpose of this CSS is to ensure compliance with the University's statutory obligations and the 2017 Guidance, as well as promoting best practice in child protection by:

3.1.1. complying with statutory obligations under the 2015 Act

3.1.2. complying with non-statutory best practice outlined in the 2017 Guidance;

3.1.3. ensuring, as far as practicable, that children are safe from harm while availing of the University's services (i.e. while attending the University or while participating in University activities)

3.1.4. undertaking an assessment of any potential for harm to children while they are availing of a service from the University. The University's risk assessment is attached in **Appendix 4A** of this CSS;

3.1.5. preparing and displaying this CSS in accordance with the requirements of Section 11 of the 2015 Act;

3.1.6. appointing an RP to be the first point of contact in respect of this CSS. For the purpose of this CSS, the RP will be the DLP;

3.1.7. providing a copy of this CSS to University personnel and, where requested to students, parents, members of the public and to Tusla;

3.1.8. setting out procedures to enable University members to deal with child protection concerns in which the protection and well-being of the child is the paramount consideration;

3.1.9. training University members to make informed decisions and appropriate responses to child protection concerns;

3.1.10. advising University members on their responsibilities in relation to child protection and compliance with statutory and non-statutory obligations; and

3.1.11. ensuring information relating to child protection concerns is only shared on a “need to know” basis in accordance with the requirements of the 2015 Act and the 2017 Guidance.

4. Legal Framework

The legal framework and key publications are outlined in **Appendix 5**.

5. Roles and Responsibilities

This CSS is intended to ensure the University’s compliance with the 2015 Act and the 2017 Guidance and to assist University members, in dealing appropriately with child protection concerns.

5.1. Responsibility for the implementation of this CSS

The ultimate responsibility for the implementation of this CSS rests with the University President and the University’s Management Team.

5.2. Responsibility of Line Managers

It is the responsibility of all managers to ensure that each University member is made aware of their duties and complies with this CSS, insofar as it applies to them.

5.3. Responsibility of the University Members

This CSS applies to all University members and it is the duty of each University member to comply with this CSS.

5.4. Responsibility of the DLP

5.4.1. The University will appoint a DLP who will:

- 5.4.1.1 act as a resource to any University member who has a child protection query or concern;
- 5.4.1.2 act as a liaison with outside agencies such as the Child and Family Agency (“**Tusla**”) and An Garda Síochána;
- 5.4.1.3 ensure that mandated and non-mandated reporting procedures are followed, so that cases of child abuse and neglect are referred promptly to TUSLA and/or to An Garda Síochána;
- 5.4.1.4 ensure compliance by MPs with joint reporting procedures;
- 5.4.1.5 record all allegations of child abuse and neglect brought to his/her attention;
- 5.4.1.6 record all actions taken in relation to allegations of child abuse and neglect;
- 5.4.1.7 where a concern does not reach the threshold for mandated reporting, but there remains a reasonable concern about the welfare or protection of a child, report this to Tusla;
- 5.4.1.8 seek informal advice from Tusla where there is any doubt as to whether a matter should be reported to Tusla and/or as to whether a mandated report should be made;

- 5.4.1.9 record the reasons where a decision is made not to report an allegation;
 - 5.4.1.10 in instances where the DLP is of the view that a report does not need to be made, the DLP should inform the MP that it is open to the MP to seek informal advice from Tusla and/or to report his/her concern and/or to make a mandated report where s/he still considers that such a report is warranted;
 - 5.4.1.11 in instances where the DLP is of the view that a report does not need to be made, but the MP decides to make a report the DLP:
 - (i) request a copy of the report from the MP and note on the report why a report was made by the DLP.
 - 5.4.1.12 ensure that s/he is knowledgeable about child protection and undertakes any training considered necessary to keep updated on new developments; and
 - 5.4.1.13 uphold the key principle that the welfare of the child is paramount.
- 5.4.2. In accordance with this CSS, an MP shall, when making a mandated report, make it jointly with the DLP.
- 5.4.3. The University may appoint a person to act as the DLP who is also an MP.
- 5.4.4. A Deputy Designated Liaison Person (the “**DDL**P”) will be appointed to assume the responsibilities of the DLP if the DLP is unavailable or unable to act for any reason. Any references in this document to the DLP should also be read as applying to the DDLP, as appropriate.

5.5. **Responsibility of MPs**

- 5.5.1. The statutory obligation to report mandated concerns in accordance with the 2015 Act rests with MPs and not with the DLP.
- 5.5.2. In accordance with this CSS, MPs are required:
- 5.5.2.1 to inform the DLP as part of the reporting structure of any allegations, suspicions or disclosures of child abuse or neglect;
 - 5.5.2.2 when making a mandated report, to make it jointly with the DLP.
 - 5.5.2.3 Where the DLP is of the view that a report does not need to be made, the DLP should inform the MP that it is open to the MP to seek informal advice from Tusla and/or to report his/her concern and/or to make a mandated report where s/he still considers that such a report is warranted. In such circumstances, the MP shall:
 - (i) inform the DLP that a report has been made and whether it was a mandated report; and
 - (ii) provide a copy of the report to the DLP.
 - 5.5.2.4 assist Tusla, if requested, in accordance with Section 16 of the 2015 Act in assessing a concern which has been the subject of a mandated report. Please refer to **Appendix 6** of this CSS for guidance; and
 - 5.5.2.5 uphold the key principle that the welfare of the child is paramount.

5.6. **Responsibility of the University’s Subsidiary Companies**

- 5.6.1. The University requires its subsidiary companies to put in place a comprehensive Child Safeguarding Statement in accordance with the 2015 Act, the 2017 Guidance and this CSS. **[Please ensure that the latter is required].**

6. Risk Assessment

- 6.1. The University has undertaken a risk assessment in which it has assessed potential harm to children while availing of the services provided by the University and the list of procedures for managing these risks. This risk assessment is attached at **Appendix 4A.**

7. Procedures

- 7.1. This CSS has been developed in line with requirements under the 2015 Act and the 2017 Guidance. In addition to the procedures listed in the University's risk assessment, the following procedures support the University's intention to safeguard children while they are availing of its services.

7.2. Procedure for the management of allegations of abuse or misconduct against staff/volunteers of a child availing of the University's services

- 7.2.1. If an allegation is made against a University staff member, action will be guided by the 2015 Act, the 2017 Guidance, the agreed procedures and the rules of natural justice.
- 7.2.2. The DLP shall be informed as soon as possible.
- 7.2.3. The first priority should be to ensure that no child is exposed to unnecessary risk. The DLP shall, as a matter of urgency, refer the matter to the Director of Human Resources¹ who may take any necessary protective measures, including, where necessary, immediately placing the staff member on administrative leave. These measures should be proportionate to the level of risk and should not unduly penalise the staff member, financially or otherwise, unless necessary to protect children.
- 7.2.4. Any allegation must be dealt with sensitively and the University member treated fairly. This includes the right not to be judged in advance of a full and fair enquiry. The DLP will advise the Director of HR who should advise the person against whom the allegation of child abuse is being made of the following:
- 7.2.4.1 the fact that an allegation has been made against him/her; and
- 7.2.4.2 the available details of the nature of the allegation.
- 7.2.5. A follow up of allegations of abuse against a University staff member should be made in consultation with Tusla and/or An Garda Síochána. Immediate contact should be made with these two agencies for that purpose.
- 7.2.6. It is important to note that if an allegation is made against a University staff member, there are two procedures to be followed:
- 7.2.6.1 the relevant HR procedures applicable to the University member; and reporting the allegation in accordance with sections 8.3 and 8.4 of this CSS, to Tusla and An Garda Síochána.
- 7.2.6.2 In general, the same person should not have the responsibility of dealing with both procedures. The DLP² is responsible for reporting the matter to Tusla and/or An Garda Síochána, while the Director of Human Resources or his/her nominee is responsible for addressing the relevant procedural issues applicable in respect of a University staff member.

¹ Or his/her nominee

² Or the DLP and MP acting jointly

7.3. Allegations of child abuse against a student member of the University

- 7.3.1. If an allegation is made against a student member of the University, action should be guided by the 2015 Act, the 2017 Guidance, the agreed procedures under the University student rules and the rules of natural justice.
- 7.3.2. The DLP should be informed as soon as possible.
- 7.3.3. The first priority should be to ensure that no child is exposed to unnecessary risk. The DLP shall, as a matter of urgency, refer the matter to the Deputy President & Registrar³ who may take any necessary protective measures. These measures should be proportionate to the level of risk and should not unduly penalise the student member, unless necessary to protect children.
- 7.3.4. Any allegation of abuse must be dealt with sensitively and the University student member should be treated fairly. This includes the right not to be judged in advance of a full and fair enquiry. The DLP should privately advise the person against whom the allegation of child abuse is being made of the following:
 - 7.3.4.1 The fact that an allegation has been made against him/her; and
 - 7.3.4.2 The available details of the nature of the allegation.
- 7.3.5. The University student member should be afforded the opportunity to respond to the DLP (rather than the Person making the allegation). The DLP should note the response and pass the information on to Tusla, if making a formal report.
- 7.3.6. A follow up of allegations of abuse against a University student member should be made in consultation with Tusla and/or An Garda Síochána. Immediate contact should be made with these two agencies for that purpose.
- 7.3.7. It is important to note that if an allegation is made against student member of the University, then there are two procedures to be followed:
 - 7.3.7.1 dealing with the matter in accordance with the University student rules; and
 - 7.3.7.2 reporting the allegation in accordance with sections 8.3 and 8.4 of this CSS, to Tusla and An Garda Síochána.
- 7.3.8. In general, the same person should not have the responsibility of dealing with both procedures. The DLP⁴ is responsible for reporting the matter to Tusla and/or An Garda Síochána, while the Deputy President & Registrar is responsible for addressing the application of the student rules, if relevant.
- 7.3.9. It should be further noted that in the event that an allegation is made against a student who is under 18 years of age, this should be considered a child welfare and protection issue for both children and the DLP should follow the outlined procedures for both the alleged victim and the alleged abuser. For further details, please see **Appendix 1** of this CSS in relation to the signs and symptoms of abuse/bullying.

7.4. Procedure for the safe recruitment and selection of staff and volunteers to work with children

- 7.4.1. The University:
 - 7.5.1.1 appoints appropriately qualified/experienced recruitment panels that receive recruitment training;

³ Or his/her nominee

⁴ Or the DLP and MP acting jointly

- 7.5.1.2 uses standard forms and agreed recruitment procedures;
- 7.5.1.3 requires appropriate qualifications/experience from applicants;
- 7.5.1.4 issues job/role description for each post that describes the broad range of duties the role will involve and it issues a Person Specification that describes the type of attributes the University requires the post-holder to have (e.g. experience, qualifications and other requirements);
- 7.5.1.5 ensures that prospective candidates working with children undergo the normal selection process which includes a formal interview;
- 7.5.1.6 checks successful applicant's references, qualifications, experience, suitability to work with children, gaps in curriculum vitae etc
- 7.5.1.7 undertakes vetting of current and prospective employees and volunteers in accordance with the National Vetting Bureau (Children & Vulnerable Persons) Act 2012 (as amended).
- 7.5.1.8 ensures that contracts of employment shall state that the employee shall comply with this CSS.
- 7.5.1.9 requires that all new recruits undergo a probationary/trial period

7.5. Procedure for the provision of and access to child safeguarding training and information, including the identification of the occurrence of harm

7.5.1. The University:

- 7.6.1.1 has provided each University staff member with a copy of this CSS;
- 7.6.1.2 ensures that all new staff are provided with a copy of this CSS;
- 7.6.1.3 encourages staff to avail of relevant training;
- 7.6.1.4 maintains records of all training;
- 7.6.1.5 undertakes to ensure that appropriate briefing sessions will be provided to University members, including those who may not work with children on a regular basis, in order to ensure that University members have the necessary familiarity with the 2015 Act, the 2017 Guidance and this CSS;
- 7.6.1.6 Focused training will be provided to University members who:
 - (i) are the DLP/DDLP
 - (ii) are MPs; and/or
 - (iii) a necessary and regular part of their work or activities consists mainly of the person having access to, or contact with, children,
 in order to ensure that they are:
 - (a) aware of their statutory obligations, if applicable;
 - (b) in compliance with the provision of information, instruction and training;
 - (c) aware of the procedures in place to inform and instruct University members in relation to the identification of child protection concerns;

- (d) providing children's activities in keeping with best practice; and
- (e) providing confident responses to child protection issues.

7.6. Procedure for the reporting of child protection or welfare concerns to Tusla

7.6.1. This must be done in accordance with the provisions of this CSS.

7.7. Procedure for maintaining a list of the persons (if any) in the relevant service who are mandated persons

7.7.1. A list of MPs to be provided by Heads of Functions on an annual basis to the DLP.

7.8. Procedure for appointing a relevant person.

7.8.1. The University has appointed the DLP as the RP to be the first point of contact in respect of this CSS

7.9. Access to Procedures

7.9.1. All Procedures listed in this CSS can be accessed via the University's website or will be available upon request.

8. Reporting Framework

8.1. Guiding Principles

8.1.1. The guiding principles on reporting child abuse or neglect may be summarised as follows:

8.1.1.1 The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made; and

8.1.1.2 Reports should be made immediately to Tusla in accordance with this CSS.

8.1.2. Child abuse can be categorised into four different types: (i) neglect, (ii) emotional abuse, (iii) physical abuse and (iv) 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 is a child welfare and protection issue for both children and child protection procedures should be followed for both the victim and the alleged abuser.

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

8.1.4. Please refer to **Appendix 1** of this CSS for further information on recognising the signs and symptoms of child abuse/neglect.

8.2. Mandated and Non-Mandated Reporting

8.2.1. There are two instances of reporting to Tusla:

8.2.1.1 Mandated reporting; and

8.2.1.2 Non-mandated reporting/Reporting of reasonable concerns

8.2.2. Where University members, including MPs, know, believe or has reasonable grounds to suspect that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, he/she shall without delay report this to the DLP

- 8.2.3. When such a report is made to the DLP, s/he⁵ should consider whether this is a mandated or non-mandated concern.

8.3. Mandated Reporting

- 8.3.1. In accordance with section 14 of the 2015 Act,

8.3.1.1 where an MP knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or become aware of in the course of his or her employment or profession as such a mandated person, that a child has been harmed, is being harmed, or is at risk of being harmed; s/he shall as soon as practicable, report that knowledge, belief or suspicion to Tusla

8.3.1.2 Where a child believes that s/he has been harmed, is being harmed, or is at risk of being harmed and discloses that belief to an MP in the course of the MP's employment or profession, the MP shall report that disclosure to Tusla

- 8.3.2. Where an MP has the knowledge, belief or suspicion outlined at (i) above and/or receives a disclosure from a child in accordance with (ii) above, s/he shall without delay, report this to the DLP.

- 8.3.3. Where the DLP and the MP both agree that there are reasonable grounds for concern, the DLP and MP must jointly consider whether the concern in question is at or above the defined threshold of harm at which point a report must be submitted as a mandated report to Tusla.

- 8.3.4. Where the DLP and/or the MP are unsure whether the concern meets the threshold for making a mandated report, the DLP shall seek advice from Tusla. The DLP shall inform the MP concerned that such advice is being sought and shall inform the MP of the advice once same has been provided.

- 8.3.5. Where Tusla advises that a mandated report should be made, the DLP and the MP shall act on that advice and a mandated report shall be submitted to Tusla jointly by the DLP and MP as soon as practicable.

- 8.3.6. Where a mandated concern requires urgent intervention to make the child safe, section 14(7) of the 2015 Act allows the DLP/MP to alert Tusla of the concern in advance of submitting a written report. Subsequently, the MP and the DLP must jointly submit a mandated report to Tusla on the report form at **Appendix 6A** within three days.

- 8.3.7. Where the DLP does not believe the concern satisfies the threshold of harm sufficient to submit a mandatory report, s/he should inform the MP in writing that if s/he remains concerned, the MP may submit a mandated report to Tusla. In these circumstances, the MP must furnish the DLP with a copy of the mandated report s/he provided to Tusla and inform the DLP of any advice, information and/or documentation s/he receives from Tusla in relation to the report.

- 8.3.8. The thresholds of harm for each category of abuse at which MPs have a legal obligation to make mandated reports are as follows:

8.3.8.1 Neglect

The threshold of harm at which an MP must make a mandated report to Tusla is reached when s/he knows, believes or has 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.

⁵ Or the DLP and MP acting jointly.

8.3.8.2 **Emotional Abuse/III-Treatment**

The threshold of harm, at which an MP must make a mandated report to Tusla is reached when s/he knows, believes or has 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.

8.3.8.3 **Physical Abuse**

The threshold of harm, at which an MP must make a mandated report to Tusla is reached when s/he knows, believes or has 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.

8.3.8.4 **Sexual Abuse**

A threshold does not apply as all sexual abuse falls within the category of seriously affecting a child's health, welfare or development. If an MP knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then the MP must make a mandated report to Tusla. Sexual abuse is an offence against the child as specified in Schedule 3 of the 2015 Act and which schedule is reproduced in **Appendix 3** of this CSS.

There is one exception to the requirement to report sexual abuse ie certain consensual sexual activity between teenagers, as provided for in the 2015 Act and as outlined at **Appendix 3A** of this CSS.

8.3.9. **No obligation to submit a mandated report**

8.3.9.1 There is no obligation to make a mandated report where:

- i. the concern relates to consensual sexual activity as per **Appendix 3A** of this CSS and as defined at section 14(3) of the 2015 Act;
- ii. the sole basis for the MP's knowledge, belief or suspicion of harm is as a result of information s/he has acquired, received or become aware of from:
 - o Another MP, who has made a report to Tusla,
 - o A person, other than an MP, who has reported jointly with an MP to Tusla,unless an MP becomes aware of any additional information, in which case a further report should be made to Tusla;
- iii. information was received by the MP pursuant to his or her role in assisting Tusla with an assessment as to whether a child who is the subject of a report or any other child has been, is being or is at risk of being harmed; or
- iv. information is acquired by an MP outside the course of his/her professional work or employment on the basis of a personal rather than a professional relationship
- v. the foregoing exemptions do not apply to a disclosure made by a child to an MP.

8.3.10. **Failure to make a mandated report**

- 8.3.10.1 MPs should be aware of the administrative actions that Tusla can take if, after an investigation, it emerges that an MP failed to make a mandated report. Tusla may:
- i. Make a complaint to the Fitness to Practise Committee of a regulatory body of which the MP in question is a member; or
 - ii. Pass information about the MP's failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could then be disclosed to an MP's current or future employers when s/he is next vetted.
- 8.3.10.2 The University will treat a failure to make a mandated report as a disciplinary matter which will be dealt with under the relevant disciplinary procedure set out in the Principal Statute.
- 8.3.10.3 In addition, the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about an offence⁶ against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report is a criminal offence.
- 8.3.10.4 An MP cannot submit a mandated report anonymously.

8.4. **Non-Mandated Reporting**

8.4.1. **Reasonable concerns below the threshold**

- 8.4.1.1 If an MP receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, he/she shall, without delay, report this to the DLP.
- 8.4.1.2 Where both the DLP and MP decide that the concern does not reach the threshold for mandated reporting, but there remains a reasonable concern about the welfare or protection of a child, the DLP is required to report this to Tusla. If the DLP is unsure whether the matter should be reported, s/he shall take advice from Tusla and act on this advice.

8.4.2. **Concerns from NMPs**

- 8.4.2.1 Where a NMP has a concern in relation to child abuse or neglect, the NMP should report this to the DLP. In light of the information received, the DLP will decide whether to report the matter to Tusla and/or seek informal advice.

8.4.3. **Seeking informal advice from Tusla**

- 8.4.3.1 Where the DLP and/or an MP is concerned about a child but is unsure whether to report the **concern** to Tusla, or whether a report should be submitted to Tusla as a mandated report, the DLP shall seek advice from Tusla. In consulting Tusla, the DLP shall be explicit that he or she is requesting advice and consultation and that he or she is not making a report. At this informal stage, the DLP need not give identifying details.
- 8.4.3.2 It should be noted that if the concern was brought to the attention of the DLP by an MP, the DLP shall inform the MP that Tusla's advice is being sought and shall inform the MP of the advice when received.
- 8.4.3.3 If Tusla advise that a report should be made to it, the DLP should act on that advice.

⁶ These offences are set out in **Appendix 7**

8.4.3.4 In all cases where the DLP has sought the advice of Tusla, the DLP shall retain a record of the consultation which will note the date, the name of the Tusla official and the advice given.

8.4.4. Where the DLP does not report the matter to Tusla

8.4.4.1 If the DLP decides not to report a matter to Tusla, the matter should still be recorded or noted internally by the DLP.

8.4.4.2 If the DLP decides not to report a concern to Tusla, the following steps should be taken:

- i. The reasons for not reporting should be recorded;
- ii. Any actions taken as a result of the concern should be recorded;
- iii. The DLP must provide the employee/volunteer with a clear written explanation of the reason why the DLP decided not to report;
- iv. The DLP must inform the employee or volunteer who raised the concern that it is open to him/her to seek informal advice from Tusla and/or to report his/her concern where s/he still considers that such a report is warranted and/or report the matter to An Garda Síochána; and
- v. In such circumstances the MP must provide a copy of the report to the DLP

8.5. Disclosure of suspected child abuse by a child to a University Member

8.5.1. If a complaint of abuse is disclosed directly from a child to a University member, the child is likely to be under severe emotional stress and the University member may be the only adult whom the child is prepared to trust. Great care should be taken not to damage trust and deal with disclosures sensitively and professionally. The following approach is suggested as best practice for dealing with these disclosures.

8.5.1.1 React calmly

8.5.1.2 Listen carefully and attentively

8.5.1.3 Take the child seriously

8.5.1.4 Reassure the child that they have taken the right action in talking to you

8.5.1.5 Do not promise to keep anything secret

8.5.1.6 Ask questions for clarification only

8.5.1.7 Do not ask leading questions

8.5.1.8 Check back with the child that what you have heard is correct and understood

8.5.1.9 Do not express any opinions about the alleged abuser

8.5.1.10 Ensure that the child understands the procedures that will follow

8.5.1.11 Make a written record of the conversation as soon as possible, in as much detail as possible, using the actual words that the child used

8.5.1.12 Treat the information confidentially, subject to the requirements of this CSS, legislation and the 2017 Guidance.

8.5.2. If child abuse is suspected, or an allegation is made, the University member should:

8.5.2.1 insofar as is appropriate gather information;

- 8.5.2.2 record the conversation (in the words of the child) and their observations accurately. The observations should include dates, times, names, locations, context and any other information that may be relevant;
- 8.5.2.3 inform the DLP as soon as possible; and
- 8.5.2.4 the University member should not interview the child or the child's parents/carer about the alleged abuse, as this is the function of Tusla and/or An Garda Síochána. The role of the University member is not to investigate.

8.6. Allegations of Child Abuse on Placement

- 8.6.1. University staff, when arranging work placements, must clarify the child safeguarding procedures within the host organisations. The University's students must familiarise themselves with these procedures.
- 8.6.2. If a University member has a child protection concern while on work placement, then the University member should follow the procedure for reporting child protection concerns in the organisation the work placement is taking place in. If the University member is unclear of the procedure, s/he should contact the DLP for clarification.
- 8.6.3. If an allegation of child abuse is made against a University member while on work placement, the procedure to be followed is as per this CSS as outlined above. Where a University member becomes aware of allegations of child abuse or neglect, he/she must contact the DLP immediately who will liaise with the RP within the organisation where the work placement is taking place.

8.7. Disclosure of suspected child abuse by a third party to a University Member

- 8.7.1. If a complaint is made to a University member from either another University member or a third party, to the effect that there is reasonable suspicion that abuse or neglect is alleged to have taken place against a child, the University member should:
 - 8.7.1.1 direct the person to the DLP to report the concern; or
 - 8.7.1.2 report the concern to the DLP him/herself;
- 8.7.2. If the disclosure is made to an MP, s/he may have a statutory obligation to report to Tusla, this should be done in accordance with this CSS.

8.8. Child Pornography

- 8.8.1. Knowingly producing, distributing, printing, publishing or showing child pornography or possessing it for any of these purposes is a criminal offence under Child Trafficking and Pornography Act 1998. In order to combat child grooming and similar behaviour, the Criminal Law (Sexual Offences) Act, 2017 makes it a criminal offence for a person to send sexually explicit material by means of information and communication technology to a child.
- 8.8.2. If a University member is concerned that child pornography images are being downloaded, this should be reported as soon as possible to the DLP. The DLP is then responsible for ensuring that suspicions or allegations are referred to the Gardaí/Tusla and managed as per this CSS. If the University Member is an MP, s/he may have a statutory obligation to report to Tusla, if applicable, this should be done in accordance with the joint reporting procedures in this CSS.
- 8.8.3. University personnel must not send, save, print out or move from one device to another any explicit content involving minors.

8.9. MPs who work with adults

8.9.1. Where a University employee works with or treats persons, during the course of his/her employment, with mental health difficulties, intellectual disability, addiction or domestic violence issues, s/he must consider the welfare and safety of any children in that person's family and/or children in regular contact with the person. If there are concerns, which meet or exceed the thresholds outlined above, then s/he must report them jointly with the DLP to Tusla in accordance with this CSS. Reasonable concerns below that threshold should also be reported to the DLP who will report it to Tusla in accordance with this CSS.

8.10. **Retrospective disclosure of child abuse by an adult**

8.10.1. Some adults may disclose abuse that took place during their childhood. Such disclosures may come to light in various ways such as when a student attends an MP who works as a Student Counsellor or Student Healthcare professional. Such a disclosure may require mandated reporting as set out above. In accordance with professional obligations, an MP will endeavour to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

8.10.2. Where an MP provides counselling, it is recommended that students are put on notice before the counselling starts, that if any child protection issues arise and the alleged perpetrator is identifiable, the MP must pass the information on to Tusla. If the student does not feel able to participate in any investigation, Tusla may be seriously constrained in their ability to respond to the retrospective allegation.

8.10.3. Any reasonable concern about past abuse, where the information came to attention before the 2015 Act came into force and where there is a possible continuing risk to children, should be reported in accordance with the non-mandated reporting procedures outlined in section 8.4 of this CSS.

8.10.4. If a University member makes a disclosure of abuse suffered during their childhood, the person to whom s/he has made the disclosure should provide him/her with contact information for relevant the University support services; a student should be provided with contact details for Student Health/Counselling services. The University staff member should be provided with details of the Employee Assistance Programme (EAP) service. <http://www.ucc.ie/en/hr/eap/>. Reports in relation to retrospective abuse can be made by submitting the Tusla form attached at **Appendix 6B** of this CSS.

8.11. **Internal Oversight**

8.11.1. The DLP shall inform the University President and the appropriate University Officer of mandated and non-mandated reports made by a University member. The appropriate University Officer will be:

8.11.1.1 the Deputy President & Registrar where the allegation is made against a University student, and

8.11.1.2 the Director, Human Resources where the allegation is made against a University employee or an individual working on a voluntary/unpaid basis on behalf of the University or any other person,

Both of whom will be sensitive to the fact that information should only be shared on a need to know basis with those with a right or a need to know.

8.12. **Protection from Civil Liability**

8.12.1. Where the DLP or any other person reports suspicions of child abuse and neglect "reasonably and in good faith" to designated officers of Tusla or any members of An Garda Síochána, the Protection of Persons Reporting Child Abuse Act 1998 (the "1998 Act") protects them from civil liability for doing so. This means that if a person makes a report of suspected child abuse to Tusla or to An Garda Síochána even if it proves unfounded, any person taking an action would only be successful if they could prove the person had not acted reasonably and in good faith in making

the report. That 1998 Act also makes it an offence to make a report of child abuse to the appropriate authorities “knowing the statement to be untrue”. This is designed to protect innocent persons from malicious reports.

9. Research Activities involving children – Best Practice

- 9.1. Guidance on undertaking research with children is provided in the published Department of Children and Youth Affairs *National Strategy for Research and Data on Children's Lives 2011-2016*, *Ethical Review and Children's Research in Ireland* (2010) and in the associated guidance document *Guidance for developing ethical research projects involving children* (2012).
- 9.2. Research involving children must comply with the above documents (as updated, replaced and/or amended from time to time) and be approved in advance by the University's research ethics process prior to the commencement of the work. General information on research ethics applications can be obtained from the University Research Ethics Committee website at

<http://www.ucc.ie/research/rio/ethics.html>.

[THE CSS WILL NEED TO BE UPDATED TO INCLUDE ANY UPDATES FROM THE UNIVERSITY'S RESEARCH ETHICS WEBSITE]

- 9.3. In situations where research involves children who are or have been in state care, such children and their care proceedings are governed by “in camera” rules and principles of confidentiality, as set out in section 29 and section 31 of the Child Care Act 1991 (as amended). Legal advice should always be sought in advance of undertaking such research.

10. Confidentiality & Record Keeping

10.1. Sharing of Information

- 10.1.1. No undertakings regarding secrecy can be given by any University member to the person reporting an allegation of child abuse, be they an adult or a child. This should be made clear to all parties involved, although reassurances can be given that all information will be handled with sensitivity, taking full account of legal requirements.
- 10.1.2. All information regarding concerns of child abuse or neglect should be shared on a “need to know” basis only ie with personnel who have a legitimate involvement or role in dealing with the issue. Giving information reasonably and in good faith to those who need to have the information for the protection of a child who may have been or is in danger of being abused (including the DLP, Tusla or An Garda Síochána) is not a breach of confidentiality or data protection laws.
- 10.1.3. At all stages in the process (disclosure, reporting and dealing with an abuse allegation), confidentiality is of extreme importance. Statements, letters and other communications shall be confidential to those involved as per the procedure outlined in this CSS.
- 10.1.4. In accordance with section 17 of the 2015 Act, where the DLP and/or MP is assisting Tusla to carry out an assessment, s/he may not share this information with a third party save in accordance with the law, or unless Tusla authorises in writing the disclosure of information, subject to such conditions (if any) as Tusla considers appropriate and specifies in the authorisation. A person who fails to comply with this requirement shall be guilty of a criminal offence.

10.2. Management of records

- 10.2.1. All records of allegations in relation to child protection issues, which are made to a University member, should be regarded as highly confidential and should be provided to the DLP and stored in a secure location, in keeping with Data Protection requirements.

10.3. **Record Keeping/Recording Allegations**

- 10.3.1. Where there is an allegation of child abuse or neglect, the DLP shall keep proper dated and signed records. All records are highly confidential and it is the responsibility of the DLP to ensure that these are kept securely.
- 10.3.2. Details of allegations and reports of alleged incidents of abuse must be recorded. The records include:
- 10.3.2.1 the date and time of disclosure;
 - 10.3.2.2 details of the allegation;
 - 10.3.2.3 details of what action the University has taken;
 - 10.3.2.4 an indication of the parties involved (including third parties) including names and addresses;
 - 10.3.2.5 any suspicions consequent on the information and the factual grounds for such suspicions;
 - 10.3.2.6 the response of the parents/guardians to the information (if any);
 - 10.3.2.7 the response of the person against whom the allegations were made (if any);
 - 10.3.2.8 the report from the University staff member who received the information or who has concerns;
 - 10.3.2.9 where a decision is made not to inform the parents/guardians, the reason for the decision and the advice received from Tusla;
 - 10.3.2.10 details (dates, times, people, place) of any subsequent meetings and communications of interested parties; and
 - 10.3.2.11 decisions re referral (or not) to Tusla, or An Garda Síochána including how, why, when and by whom the decision was taken.

11. **Other Considerations**

11.1. **Informing The Child's Parent(s)/Guardian(s) That A Report Is Being Made**

- 11.1.1. The 2017 Guidance outlines that it is good practice to inform the parent/carer that a report concerning his or her child is being made and the reasons for the decision to make the report. It is not necessary to inform a parent/carer that a report is being made -
- 11.1.1.1 if by doing so, the child will be placed at further risk; or
 - 11.1.1.2 in cases where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment; or
 - 11.1.1.3 if the reporter is of the reasonable opinion that by doing so it may place the him/her at risk of harm from the family.
- 11.1.2. Accordingly, when the DLP is submitting a report to Tusla, he/she should inform a parent/carer that a report is being made and the reasons for the decision to report except where any of the conditions at (1) to (3) above apply. In any case, where an MP is submitting a report to Tusla, the DLP, rather than the MP concerned, shall assume the responsibility for informing the parent/carer.

11.1.3. A record shall be made of the information communicated by the DLP to the parent/carer. A decision by the DLP not to inform a parent/carer shall be recorded together with the reasons for not doing so.

11.1.4. Where the DLP has any doubt as to whether to inform a parent/carer that a report is being made, the DLP shall seek the advice of Tusla.

12. Implementation & Review

12.1.1. The University recognises that implementation is an on-going process. The University is committed to the implementation of this CSS, which supports our intention to keep children safe from harm while availing of our services.

12.1.2. This CSS will be reviewed on a bi-annual basis, or as soon as practicable after there has been a material change in any matter to which the statement refers.

13. Useful Contact Numbers

13.1. The University's Internal Contacts

Contact	Name	Contact details
Designated Liaison Person	Nora Geary Corporate Secretary	nora.geary@ucc.ie 4903411
Deputy Designated Liaison Person	Keith Burke Deputy Corporate Secretary	4903406 keith.burke@ucc.ie
Deputy Designated Liaison Person (retrospective reporting)	Marian Browne (Acting) Head of Student Counselling	m.browne@ucc.ie 4903565

13.2. TUSLA Contact

<http://www.tusla.ie/>

	Telephone no	Fax No
Child & Family Agency Referrals Section, Floor 2 Blackpool, Cork	021-4927190	

13.3. An Gardaí Síochána

Relevant Garda Síochána station based on location of children "at risk"

APPENDIX 1 - SIGNS AND SYMPTOMS OF CHILD ABUSE

This is an extract from Chapter 2 the 2017 Guidance.

Signs and symptoms of neglect

Child neglect is the most frequently reported 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 or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. 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 poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability. 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. This may become apparent where the University member sees the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

Characteristics of neglect

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. a child not gaining weight due not only to malnutrition but also 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 adequate 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

Signs and symptoms of 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.

Characteristics of emotional abuse

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

- Rejection
- Lack of comfort and love
- Lack of attachment

- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. 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 depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her 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.

Signs and symptoms of 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 2015 Act 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 the 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.

Signs and symptoms of sexual abuse

Sexual abuse occurs when a child is used by another person for his or her 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 mainly 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.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child

- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
 - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
 - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
 - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. 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 in 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. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in **Appendix 3A** of this CSS.

Circumstances which may make children more vulnerable to harm

If the University member is dealing with children, s/he needs to be alert to the possibility that a welfare or protection concern may arise in relation to children s/he comes into contact with. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

The following list is intended to help identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. **It is important to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.**

Parent or carer factors:

- Drug and alcohol misuse
- Addiction, including gambling
- Mental health issues
- Parental disability issues, including learning or intellectual disability
- Conflictual relationships
- Domestic violence
- Adolescent parents

Child factors:

- Age
- Gender
- Sexuality
- Disability
- Mental health issues, including self-harm and suicide
- Conflictual relationships
- Domestic violence
- Adolescent parents
- Communication difficulties
- Trafficked/Exploited
- Previous abuse
- Young carer

Community factors:

- Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction
- Culture-specific practices, including:
 - Female genital mutilation
 - Honour-based violence
 - Forced marriage
 - Radicalisation

Environmental factors:

- Housing issues
- Children who are out of home and not living with their parents, whether temporarily or permanently
- Poverty/Begging
- Bullying
- Internet and social media-related concerns

Poor motivation or willingness of parents/guardians to engage:

- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans

University members should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla.

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 is 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, cyberbullying, 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. These include: 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 among children with special educational needs. This is particularly so among 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 must have a code of behaviour and an anti-bullying policy in place. The DLP/MP should also be aware of the University's anti-bullying policy and of the relevant guidelines on how it is handled. In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, the DLP/MP may need to make a referral to Tusla and/or An Garda Síochána.

APPENDIX 2 - MANDATED PERSONS SPECIFIED IN THE 2015 ACT

Schedule 2 of the 2015 Act specifies the following classes of persons as MPs 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.

APPENDIX 3 - SEXUAL OFFENCES SPECIFIED IN THE 2015 ACT

Schedule 3 of the 2015 Act sets out offences for the purposes of paragraph (a) of the definition of 'sexual abuse' in section 2 as:

1. Rape.
2. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
3. Sexual assault.
4. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
5. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
6. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
7. An offence under section 6(1) of the Criminal Law (Sexual Offences) Act 1993 (soliciting or importuning for purposes of commission of sexual offence).
8. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
9. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 17 years).
 - 9A. An offence under section 3A of the Criminal Law (Sexual Offences) Act 2006 (offence by person in authority).
10. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998:
 - a) section 3 (child trafficking and taking, etc., child for sexual exploitation);
 - b) section 4 (allowing child to be used for child pornography);
 - c) section 4A (organising etc. child prostitution or production of child pornography);
 - d) section 5A (participation of child in pornographic performance).
11. An offence under section 5 of the Criminal Law (Human Trafficking) Act 2008 in so far as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person).
12. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
13. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).
14. An offence under any of the following provisions of the Criminal Law (Sexual Offences) Act 2017:
 - a) section 4 (invitation etc. to sexual touching);
 - b) section 5 (sexual activity in the presence of child);
 - c) section 6 (causing child to watch sexual activity);

- d) section 8 (use of information and communication technology to facilitate sexual exploitation of child).

APPENDIX 3A - EXEMPTIONS FROM REQUIREMENTS TO REPORT SEXUAL OFFENCES

UNDERAGE CONSENSUAL SEXUAL ACTIVITY

Under the Criminal Law (Sexual Offences) Act 2006 the legal age of consent is 17 years. While a sexual relationship where one or both parties is under 17 years of age is illegal, when making a mandated report to Tusla, it might not be regarded as child sexual abuse.

There are certain exemptions from reporting underage consensual sexual activity under section 14(3) of the 2015 Act. If the DLP and MP are satisfied that **all** of the following criteria are met, s/he will not be required to make a report to Tusla:

- The young person(s) concerned are between 15 and 17 years old
- The age difference between them is not more than 24 months
- There is no material difference in their maturity or capacity to consent
- The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person
- The young persons concerned state clearly that they do not want any information about the activity to be disclosed to Tusla

In effect, this means that if **all** of the above criteria are met, the DLP/MP do not have to report consensual sexual activity between older teenagers as sexual abuse to Tusla.

APPENDIX 4 - SCHEDULE OF RELEVANT SERVICES UNDER THE 2015 ACT

Schedule 1 of the 2015 Act defines Relevant Services as:

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 his or her 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.

UNIVERSITY COLLEGE CORK

Child Protection Risk Assessment Guide

Version 1.1



Table of Contents

- BACKGROUND 2
- STEP 1: ESTABLISH THE CONTEXT 2
- STEP 2: IDENTIFY THE RISKS..... 3
- STEP 3: RISK ANALYSIS 3
 - Assess Impact 3
 - Assess Likelihood 4
 - Score the Risk 5
- STEP 4: EVALUATE THE RISK 5
 - Current Controls and Further Actions 5
- STEP 5: TREAT THE RISK 5
 - Communicate, Consult, Monitor and Review 5
- APPENDIX 1: BLANK RISK REGISTER FOR CHILD SAFEGUARDING – CONTACT MAIRÉAD LOUGHMAN, UCC RISK
MANAGER FOR EXCEL VERSION 1

Background

On 11th December 2017, the Government gave effect to the Children First Act 2015. This places the Children First National Guidance for Protection and Welfare of Children 2017 on a statutory footing.

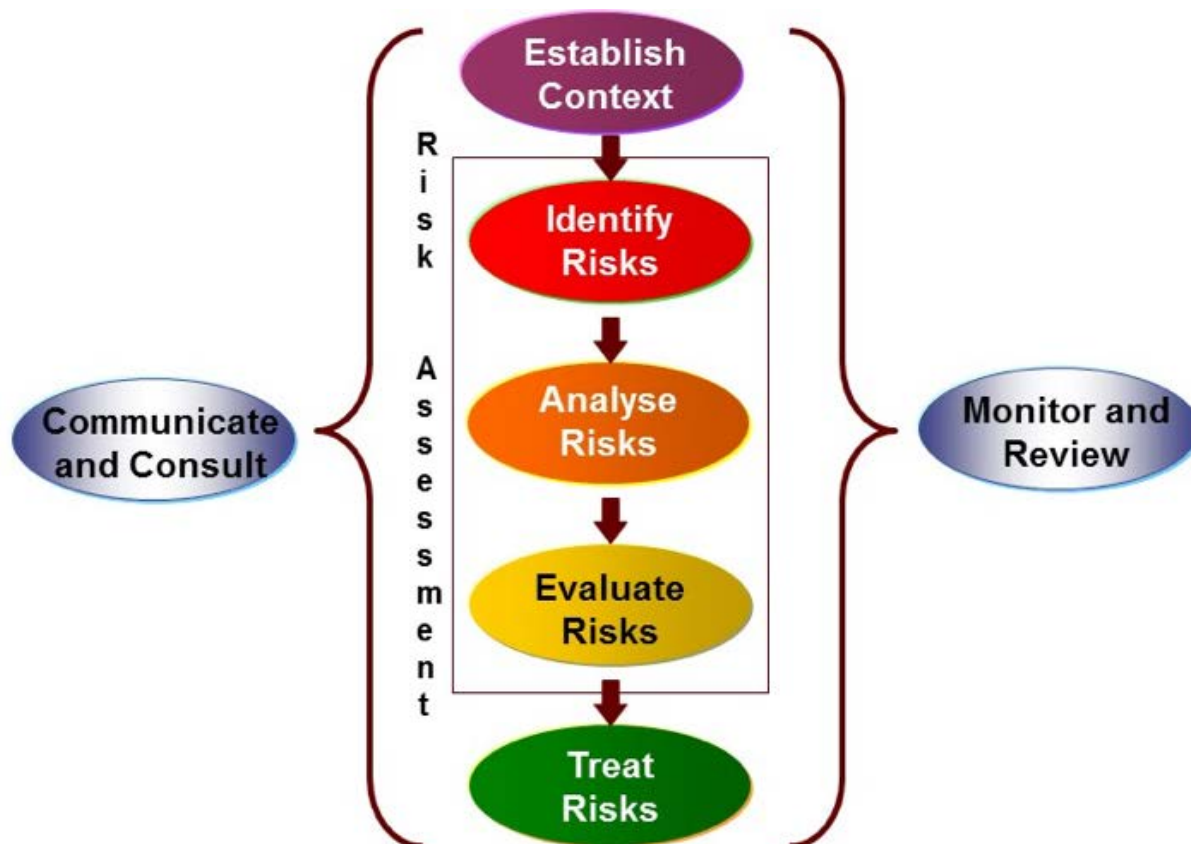
UCC, including its subsidiary companies, that provide services to children, is a service provider within the meaning of the Act and has 3 months from that date (*i.e.* by **10th March 2018**) to comply with the Act. UCC, including its subsidiary companies, is required to identify activities where staff and others would have access to children and to ensure that a risk assessment is carried out for these activities. In short, the risk assessment should examine whether a child could be harmed from receiving services from the organisation/company and document measures to mitigate this risk.

It is advised that the following document from Túsła be reviewed before starting the Risk Assessment http://www.tusla.ie/uploads/content/QA_Org_Risk_Management.pdf

All UCC risk assessments follow the UCC Risk Management policy which may be viewed at

<https://www.ucc.ie/en/media/support/ocla/riskmanagement/UCC-RM-Policy-APPROVED-GB140616.pdf>

The UCC Risk Management policy follows the ISO31000 standard for Risk Management and the process may be presented graphically as follows:



Step 1: Establish the Context

Establishing the context sets the framework within which risk assessment is undertaken. It begins with listing the activities provided by UCC and/or its subsidiary companies.

Different types of activity carry varying degrees and types of risk. The risk assessment must be appropriate to the activity. When performing a risk assessment, the following are useful questions to ask:

- (1) What could go wrong?
- (2) How **likely** is it to happen?
- (3) What would the **impact** be of it happening?
- (4) What should be or is being done to **reduce** the risk, *i.e.* current controls?
- (5) Does anything else need to be done to mitigate the risk *i.e.* future actions?
- (6) Who owns the risk? Who is ultimately responsible for the activity and related risks?

Step 2: Identify the Risks

Identify the potential risks that may arise (what could go wrong?).

Think about things like:

- What are the sources of risk or threat – what activities or factors might have inherent potential to harm or facilitate harm?
- What could happen – events or incidents where the source of risk or threat could have an impact on the activity’s objectives
- How could it happen – the manner of method in which a risk event or incident could occur
- Where could it happen – risky location or circumstances?
- When might it happen – specific times or time periods when the risk event is likely to occur or have a higher impact
- Why could it happen– direct or indirect factors that could create a source of risk or threat
- What might be the overall impact were this risk to materialise – what would be the impact on the University’s objectives, reputation? What parts of the organisation would be most impacted and what stakeholders might be involved or impacted?

Page 9 of http://www.tusla.ie/uploads/content/QA_Org_Risk_Management.pdf is particularly useful in identifying sources of risk.

Risks may be listed under different categories along with the possible consequences of the risk materialising. Categories might include some of the following:

Events	General daily activities
Technology/communications	Extra-curricular activities
Children with Vulnerabilities/Special Needs	Teaching and learning activities
Reporting	Recruitment
Physical health	Staff (caused by)
Mental health	Students (caused by)

Step 3: Risk Analysis

Having identified the risks, it is then necessary to analyse the risks to assess which are going to pose the greatest threat by considering both the likelihood of the risk occurring and the impact that might result. Multiplying likelihood by impact provides the overall risk rating or risk score.

Before risk analysis takes place, it is important to consider the controls that are in currently place to mitigate against the risk occurring. Controls may include pre-existing processes, policies, practices or people that minimise the likelihood of a negative risk occurring or enhance positive outcomes. Controls may also be applied to impact if the risk does occur. It is important to ask the following questions when considering the Controls.

- Is the control ‘fit for purpose’?
- Is the control relevant?
- Does the control work as intended?
- Is the control documented?
- Is the control being used?
- Is the control up-to-date?
- Is the risk under good control?

Assess Impact

Assess the impact of each risk (what would the impact be of it happening?) using the following matrix as a guide. This matrix contains **examples of impact of lack of Child Safeguarding. Please note this list is not exhaustive.** Units organising activities involving children should **develop and tailor this matrix** to reflect the types of activity undertaken in their area.

RATING	SCORE	POSSIBLE IMPACT OF THREAT	
		STRATEGIC & OPERATIONAL	REPUTATION
Severe	5	Achievement of strategic and operational goals in the medium term jeopardised.	Loss of confidence in the University.

		Existence of the University, Colleges/Schools, Service, Project under threat.	Reputation and standing of the University adversely affected nationally /internationally. Serious public outcry and or international coverage. Reputation adversely impacted with majority of key stakeholders. Significant breakdown in strategic and or business partnerships.
Major	4	Significant effect on operational performance will require operational resource reallocation (financial, assets and or people) to manage and resolve in the medium term to avoid non achievement of strategic goals.	Loss of confidence in a College/School or service. Sustained adverse national media and public coverage. Reputation adversely impacted with a significant number of stakeholders. Breakdown in strategic and or business partnership.
Moderate	3	Some impact on the University's Colleges / Schools, Service, Project or operational performance. Less impact on strategic goals in the medium term.	Community concern. Adverse national media coverage and external criticism. Reputation adversely impacted with some stakeholders .
Minor	2	Disruption to operations with no permanent or significant effect on the University, College / School, Service, Project.	Issue raised by local press. Adverse local public or media attention and complaints. Reputation is adversely affected by a small number of affected people. Internal matter.
Insignificant	1	Some localised inconvenience, but no impact to the University, College/School, Service or Project. Absorbed with Colleges/Schools/Service running costs.	Issue resolved promptly by operational management processes. Minimal or no stakeholder interest. Individual grievances

If an activity is judged to be high-risk it does not mean that the activity cannot proceed. However, additional controls/actions may be required.

Assess Likelihood

Assess the likelihood, *i.e.* the chance or probability of each risk occurring (how likely is it to happen?) using the five-point scale which is shown in the table below. Likelihood scoring is based on the expert judgement, knowledge and experience of the group doing the scoring and is based on likelihood of future occurrence.

RATING	SCORE	LIKELIHOOD OF THREAT OCCURRING
Almost Certain	5	Expected to occur or a common occurrence 80% or above chance of occurrence
Likely	4	Will probably occur in most circumstances 70-79% or above chance of occurrence

Possible	3	Might occur at some point 40-69% or above chance of occurrence
Unlikely	2	Small chance of occurring at some point 10-39% or above chance of occurrence
Rare	1	Only in exceptional circumstance Less than 10% chance of occurrence

Score the Risk

Calculate the risk score by multiplying the impact by the likelihood. The total is the risk score. The following table shows the severity of the risk according to the risk score *e.g.* a risk with likelihood 3 and impact 5 would score 15. This makes it an Amber-High risk.

Red	Extreme	20 - 25
Amber	High	15 - 19.99
Yellow	Medium	8 - 14.99
Green	Low	1 - 7.99

Step 4: Evaluate the Risk

Risk Evaluation is about deciding whether risks relating to a particular activity are acceptable or not acceptable. Based on the scoring and the adequacy of existing controls in place, an evaluation is made on whether to accept the risk or whether it may be necessary to put in additional controls or actions in order to mitigate the risk. This evaluation also enables risks to be ranked, thereby identifying management priorities.

Whether a risk is deemed acceptable or unacceptable relates to the willingness of the organisation to tolerate the risk; *i.e.*, to accept the risk after it has been treated (with controls and actions), in order to achieve objectives and desired outcomes. The significance of the risk, measured against the importance of the policy, program, process or activity, needs to be considered in deciding whether a risk is acceptable or not.

Current Controls and Further Actions

For each risk identified, identify and implement the management controls to mitigate the risk (*i.e.* to reduce the likelihood or impact of a risk or both).

Future Actions, strategies or activities may also be identified, developed, implemented and documented in order to further mitigate the risk. Actions may become controls after it has been fully implemented and deemed effective in modifying the risk to an acceptable level.

Step 5: Treat the Risk

The four main ways to manage risk are:

- I. Treat: use of controls and actions, training, supervision, risk awareness and planning etc.;
- II. Transfer: transfer or share the risk via insurance, outsourcing, partnerships, sub-contracting etc.;
- III. Tolerate: accept the risk;
- IV. Terminate: avoid by withdrawing *i.e.* the organisation is no longer prepared to take the risk.

Communicate, Consult, Monitor and Review

The completion of Risk Assessments should involve those who manage, carry out or might be affected by the actions under consideration. It is the responsibility of such risk owners to ensure that risks and related control measures are communicated to those who may be affected by the activities. Good communication is paramount in developing a positive risk culture. Engaging with

others serves to embed risk management as a normal part of the way services are provided at UCC or its subsidiary companies. Communication must be focused on consultation and a two-way flow of information between decision-makers and stakeholders.

Few risks remain static. New issues and risks are likely to emerge and existing risks may change. Having identified the risks assessed them and put control measures in place, it is essential that they are routinely monitored.

The University has adopted a standard format for the recording of risks University-wide, including subsidiary companies. The Risk Register is the dynamic management tool which captures important information about the risk(s) or opportunity(ies) and provides a high level overview of the services/activities. Risk Management is a continual process and the Risk Register is a 'live' document. New risks may be identified, some may be terminated, and control measures will need to be adapted in response to changing internal and external events or factors.

Annex 1: Blank Risk Register for Child Safeguarding – contact Mairéad Loughman, UCC Risk Manager for EXCEL version

UCC Risk Register

Risk Owner: UCC

Risk ID	Risk Description	Consequences	Risk Owner	Current internal <u>Controls</u> (provide details of how you currently manage the risk)	Assessment of Risk			Describe further <u>Actions</u> you will take to reduce the <u>Impact/Likelihood</u> and mitigate the risk. State who is the risk owner for each action.	Review Dates	
					Impact (1,2,3,4,5)	Likelihood (1,2,3,4,5)	Score		RMC	UMTO / UMTS

APPENDIX 5 - LEGAL FRAMEWORK AND KEY PUBLICATIONS

The following laws, policies and key publications were taken into account when developing this CSS:

1. The 2015 Act
2. The 2017 Guidance
3. Children First Support Documents including the following:
 - 3.1 A Guide for the Reporting of Child Protection and Welfare Concerns;
 - 3.2 Best Practice principles for Organisations in Developing Children First Training Programmes;
 - 3.3 Guidance on Developing a Child Safeguarding Statement; and
 - 3.4 Mandated Assisting Protocol for Tusla Staff
4. The Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016
5. Criminal Law (Sexual Offences) Act 2017
6. Child Trafficking and Pornography Act 1998
7. Protection for Persons Reporting Child Abuse Act 1998
8. Protected Disclosures Act 2014
9. Child and Family Agency Act 2013
10. Child Care Act, 1991
11. Criminal Justice Act 2006
12. Safety, Health and Welfare at Work Act, 2005
13. Protection of Persons Reporting Child Abuse Act 1998
14. Data Protection Acts 1988 and 2003
15. Freedom of Information Act 2014 (as amended)
16. Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012
17. National Vetting Bureau (Children & Vulnerable Persons) Act 2012-2016

18. Children First: National Guidelines for the Protection and Welfare of Children, Department of Children and Youth Affairs 2017
19. Child Protection Procedures for Primary and Post-Primary Schools, Department of Education and Skills 2017
20. Code of Ethics and Good Practice in Children's Sport, Irish Sports Council 2000
21. Ethical Review and Children's Research in Ireland, Department of Health and Children March 2010
22. Guidance for developing ethical research projects involving Children Department of Children and Youth Affairs April 2012
23. Department of Children and Youth Affairs *National Strategy for Research and Data on Children's Lives 2011-2016* (2011)

APPENDIX 6 - MANDATED ASSISTANCE

This is an extract from Chapter 3 of the 2017 Guidance.

The 2015 Act imposes a legal obligation on MPs to report mandated concerns to Tusla. MPs can be mandated to assist Tusla in their assessment of child protection and welfare concerns about children who have been the subject of a mandated report.

Tusla's work is greatly enhanced by cooperation and information sharing between professionals in order to determine the best outcomes for children and their families. In the vast majority of cases, this cooperation is forthcoming and mandated assistance will not need to be sought. However, in essential circumstances, where it is determined to be in the best interests of the child, it may be necessary for a formal request for mandated assistance to be made.

The 2015 Act allows Tusla to formally request mandated assistance. Mandated assistance is the provision of:

- Verbal or written information or reports;
- Attendance at any meeting arranged by Tusla in connection with an assessment of a child, e.g. Strategy Meeting, Child Protection Conference; and
- The production to Tusla of any document or thing.

It may be that a verbal telephone report is sufficient or that the MP is asked for copies of existing reports, records or correspondence. The Social Worker may also request that an MP contributes their own professional report to the overall social work assessment.

In order to make a request for mandated assistance, Tusla will submit a mandated assistance form. Tusla will have satisfied the following conditions:

1. The legal threshold for a mandated report should have been reached, i.e. the child has suffered, is likely to or is suffering harm.
2. The request is necessary and proportionate in all the circumstances of the case.
3. An MP is reasonably believed to be in a position to assist having an identified and specific contribution to make to the assessment, as it may be reasonably required.
4. That not making the request for assistance may be detrimental to the best interests of the child.
5. The MP is not already voluntarily, as part of their normal duties, participating and assisting with the assessment.

Where an MP refuses to assist or fails to engage with an assistance request, the MP will be provided with an opportunity to clarify their reasoning before any decision is taken to challenge the MP's refusal/failure to assist. Following this, if the matter is to be progressed, the following steps are to be taken:

If mandated assistance is not forthcoming, this may lead to Tusla making a report against the MP as a possible fitness to practice matter.

In accordance with section 16(3) the 2015 Act, if an MP furnishes any information (including a report), document or thing to the Agency pursuant to a request for mandated assistance, 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.



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*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
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	<input type="checkbox"/>		
Emotional Abuse	<input type="checkbox"/>	Physical Abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual Abuse	<input type="checkbox"/>

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	

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	<input type="checkbox"/>	No	<input type="checkbox"/>
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	<input type="checkbox"/>	No	<input type="checkbox"/>
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	<input type="checkbox"/>	No	<input type="checkbox"/>
---	-----	--------------------------	----	--------------------------

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

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	<input type="checkbox"/>	No	<input type="checkbox"/>
----------------------------------	-----	--------------------------	----	--------------------------

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*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
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*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
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	

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				

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	
<div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; align-items: center;"> + <div style="flex-grow: 1;"> <p>Authorised Person Signature*</p> <p>Date*</p> </div> </div> </div>					
Child Previously Known	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
Allocated Case No					

APPENDIX 6B – Retrospective Abuse Report Form



Retrospective Abuse 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 person subject to allegations of abuse resides (PSAA))*	
---	--

2. Reporter Details if Third Party*

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	

Reporter's relationship to adult complainant	
---	--

Is this a Mandated Report made under Sec 14, Children First Act 2015?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Mandated Person's Type				

3. Details of Person Disclosing Abuse (Adult Complainant)*

First Name		Surname	
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Previous Address, if known	
Eircode			

4. Type of Abuse Being Reported*

Emotional Abuse	<input type="checkbox"/>	Physical Abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual Abuse	<input type="checkbox"/>

5. Details and Description of Alleged Abuse*

Date of alleged abuse		Period of alleged abuse	
Location of alleged abuse		Reason for report at this time	

Retrospective Abuse Report Form

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

Further Detail (include, if known, age of adult complainant at time of abuse, age of PSSA at time of abuse). Please attach additional sheets if necessary.

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6. Details of Person Subject to Allegations of Abuse (PSAA)

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation			

7. Details of PSAA's Social and Employment Status

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8. PSAA Household Composition

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

9. Does the PSAA Have Contact with Children?* Yes No

If Yes, please complete information below. If No, proceed to 10.

Details of Child			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
		Date of Birth	
Eircode		Age	
Parent/Carers'		Parent/Carers'	

Retrospective Abuse Report Form

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

Names		Names	
Relationship to Adult Complainant		Relationship to PSAA	
Frequency of Contact, if known			
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
		Unknown	<input type="checkbox"/>

Please attach additional sheets for additional children, if necessary.

10. Based on information known at this time, is the PSAA known to the Tusla Social Work Department?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide detail:				

11. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide detail:				

12. Based on information known at this time, has a report been made to An Garda Síochána?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Garda Name:		Telephone No.			
Garda District:		Email:			
Address:		PULSE ID Number:			
		Date Notification Made:			
Eircode:		Date Report Made			

13. Is the PSAA aware of this report?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide further details:				

14. Any Additional Information	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please provide any further information that will assist Tusla in assessing and prioritising this report:				

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

Retrospective Abuse Report Form

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

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.

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

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

Report Received by		
First Name	Surname	Date

Mandated Report Acknowledgement by		
First Name	Surname	Date Sent

Authorised Person Signature*	
Date*	

Child Previously Known	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Allocated Case No				

APPENDIX 7 – Offences under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

1. Murder.
2. Manslaughter.
3. Common law offence of false imprisonment.
4. Rape.
5. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990 .
6. Sexual assault.
7. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990 .
8. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
9. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
10. An offence under section 6 (1) of the Criminal Law (Sexual Offences) Act 1993 .
11. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
12. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under the age of 17 years).
- 12A. An offence under section 3A of the Criminal Law (Sexual Offences) Act 2006 (offence by person in authority).
13. An offence under any of the following provisions of the Child Trafficking and Pornography Act 1998 —
 - (a) section 3 (child trafficking and taking, etc., child for sexual exploitation),
 - (b) section 4 (allowing child to be used for child pornography),
 - (c) section 4A (organising etc. child prostitution or production of child pornography),
 - (d) section 5A (participation of child in pornographic performance).”,
14. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule.
15. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008 —
 - (a) section 2 (trafficking, etc., of children),
 - (b) section 5 insofar as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person),
 - (c) section 7 insofar as it relates to an offence under section 2 of that Act or section 3 (other than subsections (2A) and (2B)) of the Child Trafficking and Pornography Act 1998 .
16. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).
17. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
18. An offence under any of the following provisions of the Non-Fatal Offences against the Person Act 1997 —
 - (a) section 3 (assault causing harm),
 - (b) section 4 (causing serious harm),
 - (c) section 5 (threats to kill or cause serious harm),
 - (d) section 13 (endangerment),
 - (e) section 15 (false imprisonment),
 - (f) section 16 (abduction of child by parent, etc.),
 - (g) section 17 (abduction of child by other persons).
19. An offence under section 246 of the Children Act 2001 (cruelty to children).
20. An offence under any of the following provisions of the Criminal Justice (Female Genital Mutilation) Act 2012 —

- (a) section 2 (offences of female genital mutilation, etc.),
- (b) section 3 (offence of removal from State for purpose of female genital mutilation),
- (c) section 4 (acts, etc., done outside State).

21. An offence under any of the following provisions of the Criminal Law (Sexual Offences) Act 2017—

- (a) section 3 (obtaining, providing etc. a child for purpose of sexual exploitation),
- (b) section 4 (invitation etc. to sexual touching),
- (c) section 5 (sexual activity in presence of child),
- (d) section 6 (causing child to watch sexual activity),
- (e) section 7 (meeting child for purpose of sexual exploitation),
- (f) section 8 (use of information and communication technology to facilitate sexual exploitation of child).