



University College Cork - National University of Ireland, Cork

Child Safeguarding Policy

Version 2

Table of Contents

1.	Name of Service being Provided	3
2.	Nature of service and principles to safeguard children from harm.....	3
3.	Aims and Objectives.....	3
4.	Legal Framework and Guiding Principles	4
5.	Roles and Responsibilities	4
6.	Procedures.....	5
7.	Reporting Framework For Child Protection Concerns.....	9
8.	General Provisions	13
9.	Implementation & Review	13
	APPENDIX 1 - SIGNS AND SYMPTOMS OF CHILD ABUSE	15
	APPENDIX 2 - MANDATED PERSONS SPECIFIED IN THE 2015 ACT.....	20
	APPENDIX 3 - SCHEDULE OF RELEVANT SERVICES UNDER THE 2015 ACT.....	22
	APPENDIX 4 - LEGAL FRAMEWORK AND KEY PUBLICATIONS.....	23
	APPENDIX 5 - CHILD SAFEGUARDING RISK ASSESSMENT	24
	APPENDIX 6 - MANDATED ASSISTANCE	26
	APPENDIX 7 - REPORT FORMS	27
	APPENDIX 8 - SEXUAL OFFENCES SPECIFIED IN THE 2015 ACT	28
	APPENDIX 9 – OFFENCES UNDER THE CRIMINAL JUSTICE (...) Act 2012.....	30

DEFINITIONS

The following terms are defined below for the purposes of this policy. Throughout the remainder of the policy any reference to a defined term will be given a capital letter to denote it is a defined term as below.

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

"Child Protection Concern" Please refer to Appendix 1 of this Policy where an extract from Chapter 2 of the *Children First: National Guidance for the Protection and Welfare of Children*, issued by the Department of Children and Youth Affairs in 2017 is reproduced. This outlines types of child abuse (including neglect) and how they may be recognised.

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

"Mandated Person" ("MP") means a person, employed by the University, who is specified in Schedule 2 of the Children First Act 2015, as amended. The full list of Mandated Persons specified in Schedule 2 of the 2015 Act, is attached at Appendix 2 of this Policy.

"Mandated Report" means a report made by a mandated person in accordance with Sections 14(1) & 14(2) of the Children First Act 2015, as amended.

"University Members," are defined in UCC's Principal Statute and for the purposes of this policy include:

- members of the Governing Authority
- the University's employees,
- the University's students,
- any volunteer, service provider or graduate engaged in the University's arranged activity.

"Reasonable Grounds For Concern" is as per page 06 to 07 of the *Children First: National Guidance for the Protection and Welfare of Children*, issued by the Department of Children and Youth Affairs in 2017, available at [Children First National Guidance 2017.pdf](#) and at Appendix 1a of this Policy.

"Relevant Person" ("RP") means the person appointed by the University as the Relevant Person in accordance with Section 8 of the Children First Act 2015 Act and who will be the first point of contact in respect of this Policy. For the purpose of this Policy, the Relevant Person will also be the Designated Liaison Person.

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.

"University" means University College Cork.

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 3 of this Policy.
- 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 Policy 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 Policy 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 Policy is to ensure compliance with the University's statutory obligations and the 2017 Guidance, and provide additional detail to the University's Child Safeguarding Statement, as well as promoting best practice in child protection by:
 - 3.1.1 complying with statutory obligations under the 2015 Act and non-statutory best practice outlined in the 2017 Guidance;
 - 3.1.2 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);
 - 3.1.3 preparing and displaying the Child Safeguarding Statement in accordance with the requirements of Section 11 of the 2015 Act;
 - 3.1.4 appointing a Relevant Person (RP) to be the first point of contact in respect of this Policy. For the purpose of this Policy, the RP will be the Designated Liaison Person (DLP);
 - 3.1.5 publishing this policy on the University website;
 - 3.1.6 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;
 - 3.1.7 making training available to University Members to make informed decisions and appropriate responses to Child Protection Concerns;
 - 3.1.8 advising University Members on their responsibilities in relation to child protection and compliance with statutory and non-statutory obligations; and
 - 3.1.9 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 and Guiding Principles

- 4.1** The legal framework and key publications are outlined in **Appendix 4**.
- 4.2** The guiding principles on reporting child abuse may be summarised as follows:
- The safety and well-being of the Child must take priority over concerns about adults against whom an allegation may be made; and
 - Child abuse can be categorised into four different types: (i) neglect, (ii) emotional abuse, (iii) physical abuse and (iv) sexual abuse, as outlined in **Appendix 1**. The important factor in deciding whether the behaviour is abuse is the impact of that behaviour on the Child rather than the intention of the parent/carer
- 4.3** The University has a reporting framework for concerns about child abuse. See section 7 for further details.

5. Roles and Responsibilities

5.1 Responsibility for the implementation of this Policy

The ultimate responsibility for the implementation of this Policy rests with the University President and the University Leadership Team.

5.2 Responsibility of Head of Function

- 5.2.1 It is the responsibility of all Heads of Function to ensure that each University Member is made aware of their duties and complies with this Policy, insofar as it applies to them.
- 5.2.2 Each Head of Function of the University is responsible for ensuring child-related risk assessments are undertaken by organisers of activities involving children for their area and must report on this annually via the 'Head of Function Annual Assurance Statement'.
- 5.2.3 For all new activities relating to children, Heads of Function are asked to refer to Appendix 5A and use the blank risk register provided to risk assess the activity.

5.3 Responsibility of University Members

This Policy applies to all University Members, and it is the duty of each University Member to comply with this Policy.

Any new activity involving children must be risk assessed by the University Member that is organising the activity having regard to the University's risk assessment policy and procedures at [Risk Assessments | University College Cork](#), the Child Safeguarding Risk Assessment at Appendix 5A and the checklist for potential hazards at Appendix 5B. If any of the activities are not covered by the list at Appendix 5B, please email corporatesecretary@ucc.ie to ensure that the University Child Protection Statement has a comprehensive list of the University's activities involving children and the procedures in place to address risks. The UCC Child Safeguarding Statement covers activities undertaken by UCC and a separate Child Safeguarding Statement is not required for new activities.

5.4 Responsibility of the Designated Liaison Person

- 5.4.1 The University will appoint a Designated Liaison Person 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 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;

- 5.4.1.4 ensure that reporting procedures are followed, so that cases of child abuse are referred promptly to Tusla and/or to An Garda Síochána, see further Section 7 on 'Reporting';
- 5.4.1.5 support Mandated Persons with reporting procedures described in Section 7 'Reporting';
- 5.4.2 Deputy Designated Liaison Persons will be appointed to assume the responsibilities of the Designated Liaison Person if the Designated Liaison Person is unavailable or unable to act for any reason. Any references in this document to the Designated Liaison Person should also be read as applying to the Deputy Designated Liaison Person, as appropriate.
- 5.4.3 The University may appoint a person to act as the Designated Liaison Person who is also a Mandated Person.
- 5.4.4 The Designated Liaison Person and Deputy Liaison Persons are required to keep up to date with the training available on the Tusla website and to complete the Tusla Designated Liaison Person eLearning module at least every three years. A record should be kept of completed training.

5.5 Additional Responsibility of Mandated Persons (MPs)

- 5.5.1 Under the 2015 Act, Mandated Persons are people who have ongoing contact with children and families and who, because of their employment or profession, are in a key position to protect children from harm.
- 5.5.2 There are additional obligations on Mandated Persons under the 2015 Act, due to the nature of their employment or profession, such that if Child Protection Concern comes to their attention, a Mandated Person is required to consider whether a threshold of harm is met to make a mandated report to Tusla.
 - 5.5.2.1 In accordance with this Policy, the Mandated Persons are required to inform the Designated Liaison Person as part of the reporting structure set out in this Policy of any allegations, suspicions or disclosures of child abuse; and
 - 5.5.2.2 Mandated Persons are required to ensure that reporting procedures are followed, so that reports that meet the threshold for mandated reports are made promptly to Tusla and/or to An Garda Síochána, see further Section 7 (Reporting).
 - 5.5.2.3 Mandated Persons are required to keep up to date with the training available on the Tusla website and to complete the Tusla Mandated Persons eLearning module at least every three years. A record should be kept of completed training.

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 Policy in accordance with the 2015 Act, the 2017 Guidance and this Policy.

6. Procedures

6.1 Risk assessment at the University:

- 6.1.1 The University has assessed potential harm to children while availing of the services provided by the University and identified a list of hazards related to child safeguarding, see Appendix 5B and procedures for managing these. The key procedures that the University has in place to mitigate the risks associated with these hazards are set out in sections 6.2 to 6.12.

6.2 Procedure for the safe recruitment and selection of staff, students and volunteers to work with children

- 6.2.1 The University:
 - 6.2.1.1 appoints appropriately qualified/experienced recruitment panels that receive recruitment training;

- 6.2.1.2 uses standard forms and agreed recruitment procedures;
- 6.2.1.3 requires appropriate qualifications/experience from applicants;
- 6.2.1.4 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);
- 6.2.1.5 ensures that prospective candidates working with children undergo the normal selection process which includes a formal interview;
- 6.2.1.6 checks successful applicant's references, qualifications, experience, suitability to work with children, gaps in curriculum vitae etc;
- 6.2.1.7 undertakes vetting of current and prospective employees and volunteers in accordance with the National Vetting Bureau (Children & Vulnerable Persons) Act 2012 (as amended);
- 6.2.1.8 ensures that contracts of employment shall state that the employee shall comply with this Policy;
- 6.2.1.9 requires that all new recruits undergo a probationary/trial period.

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

6.3.1 The University:

- 6.3.1.1 has published this Policy on its website;
- 6.3.1.2 encourages staff to avail of relevant training;
- 6.3.1.3 ensures training will be available to University Members who:
 - (i) are the Designated Liaison Person /Deputy Designated Liaison Person;
 - (ii) are Mandated Persons; 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.

6.4 Procedure in relation to Research Activities involving children

- 6.4.1 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), in the associated guidance document *Guidance for developing ethical research projects involving children* (2012) and in the 2024 [HSE National Policy for Consent in Health and Social Care Research](#).
- 6.4.2 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 <https://www.ucc.ie/en/media/research/researchatucc/researchculture/ethics/documents/ResearchEthicsatUniversityCollegeCork.pdf>

- 6.4.3 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.

6.5 Procedure for appointing a Relevant Person.

- 6.5.1 The University has appointed the Designated Liaison Person as the Relevant Person (RP) to be the first point of contact in respect of this Policy.

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

- 6.6.1 A list of Mandated Persons is to be maintained by Heads of Functions.

6.7 Procedure in relation to disclosure by a Child of suspected child abuse to a University Member in a University-related capacity.

- 6.7.1 If suspected child 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:

- 6.7.1.1 React calmly;
- 6.7.1.2 Listen carefully and attentively;
- 6.7.1.3 Take the Child seriously;
- 6.7.1.4 Reassure the Child that they have taken the right action in talking to you;
- 6.7.1.5 Do not promise to keep anything secret;
- 6.7.1.6 Ask questions for clarification only;
- 6.7.1.7 Do not ask leading questions;
- 6.7.1.8 Check back with the Child that what you have heard is correct and understood;
- 6.7.1.9 Do not express any opinions about the alleged abuser;
- 6.7.1.10 Ensure that the Child understands the procedures that will follow;
- 6.7.1.11 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;
- 6.7.1.12 Treat the information confidentially, subject to the requirements of this Policy, legislation and the 2017 Guidance;
- 6.7.1.13 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;
- 6.7.1.14 inform the Designated Liaison Person as soon as possible, via email; and
- 6.7.1.15 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.

6.8 Procedure in relation to a disclosure of suspected child abuse by a third party to a University Member

- 6.8.1 If a complaint is made to a University Member, or information comes to their attention in the course of their work or studies, from either another University Member or a third party, to the effect that there is reasonable suspicion that abuse is alleged to have taken place against a Child, the University Member must consider the welfare and safety of the Child:
- direct the person to the Designated Liaison Person to report the concern; or
 - report the concern to the Designated Liaison Person him/herself;
- 6.8.2 As such, if in the course of a University Member's work with adults, s/he becomes aware of a child protection or welfare issue within the family, she/he must consider the welfare and safety of the children in that adult's family and/or the children in regular contact with that adult. If there are concerns that meet or exceed the thresholds (see section 7.3.3) outlined in this Policy, he/she must report them to the Designated Liaison Person.

6.9 Procedure in relation to allegations of Child Abuse on Placement

- 6.9.1 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.
- 6.9.2 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 placement organisation's Designated Liaison Person for clarification.
- 6.9.3 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 Policy.

6.10 Procedure for retrospective disclosure of child abuse by an adult

- 6.10.1 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 a session with a Mandated Person who works as Student Counsellor or Student Healthcare Professional. Such a disclosure may require a report to Tusla if there is currently a potential risk to a Child which may be in contact with the alleged abuser revealed in the disclosure. See Appendix 7 for links to Tusla forms and guidance.
- 6.10.2 Where a Mandated Person provides counselling, it is recommended that students are put on notice before the counselling starts, that if any child protection issues arise, the Mandated Person must pass the information on to Tusla where there is any current risk to a Child.
- 6.10.3 In addition, 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 the relevant 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, website at <http://www.ucc.ie/en/hr/eap/>. Information in relation to Tusla's Child Abuse Substantiation Procedure (CASP) is available at [Child Abuse Substantiation Procedure \(CASP\) Version 2 - 2024Tusla - Child and Family Agency](#). Reports in relation to retrospective abuse can be made via the Tusla links at **Appendix 7** of this Policy.

6.11 Procedure for allegations of child abuse against a student of the University

- 6.11.1 If an allegation is made against a student of the University, action should be guided by the 2015 Act, the 2017 Guidance and the agreed procedures under the University Student Rules and the rules of natural justice.
- 6.11.2 The first priority should be to ensure that no Child is exposed to unnecessary risk. The

Designated Liaison Person should be informed as soon as possible as should the Deputy President and Registrar who may take any necessary protective measures, including, where necessary, placing the University Student on temporary suspension having regard to the applicable Student Rules. These measures should be proportionate to the level of risk and should not unduly penalise the student unless necessary to protect children.

- 6.11.3 Any allegation of abuse must be dealt with sensitively and the University student should be treated fairly. This includes the right not to be judged in advance of a full and fair enquiry.
- 6.11.4 It is important to note that if an allegation is made against a student of the University, then there are two procedures to be followed:
- reporting the allegation in accordance with section 7 of this Policy, to Tusla; and
 - dealing with the matter in accordance with the University Student Rules.
- 6.11.5 In general, the same person should not have the responsibility of dealing with both procedures. The Designated Liaison Person 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.
- 6.11.6 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 Designated Liaison Person should follow the outlined procedures for both the alleged victim and the alleged abuser. For further details, please see **Appendix 1** of this Policy in relation to the signs and symptoms of child abuse.

6.12 Procedure for the management of allegations against staff

- 6.12.1 If an allegation is made against a University staff member, action will be guided by the 2015 Act, the 2017 Guidance and the agreed procedures and the rules of natural justice.
- 6.12.2 The first priority should be to ensure that no Child is exposed to unnecessary risk. The Designated Liaison Person shall be informed as soon as possible as should the Chief People and Culture Officer who may take any necessary protective measures, including, where necessary, placing the staff member on administrative leave having regard to the applicable HR policies and procedures. 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.
- 6.12.3 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.
- 6.12.4 It is important to note that if an allegation is made against a University staff member, there are two procedures to be followed:
- reporting the allegation in accordance with section 7 of this Policy, to Tusla and An Garda Síochána; and
 - the relevant HR procedures applicable to the University staff member.
- 6.12.5 In general, the same person should not have the responsibility of dealing with both procedures. The Designated Liaison Person is responsible for reporting the matter to Tusla and/or An Garda Síochána, while the Chief People and Culture Officer or his/her nominee is responsible for addressing the relevant procedural issues applicable in respect of a University staff member.

7. Reporting Framework For Child Protection Concerns

7.1 Reporting Procedures for All University Members

- 7.1.1 Where a University Member, including Mandated Persons, knows, believes or has reasonable grounds to suspect that a Child may have been abused, is being abused, or is at risk of abuse ,

he/she shall without delay report this to the Designated Liaison Person.

- 7.1.2 Where any staff member is concerned about a Child but is unsure whether to report the concern to Tusla, the staff member should seek advice from the Designated Liaison Person who will in turn seek advice from Tusla, as appropriate.
- 7.1.3 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.
- 7.1.4 All information regarding concerns of child abuse or neglect should be shared on a "need to know" basis only i.e. 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 Designated Liaison Person, Tusla or An Garda Síochána) is not a breach of confidentiality or data protection laws.
- 7.1.5 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 Policy.
- 7.1.6 All records of allegations in relation to Child Protection Concerns, which are made to a University Member, should be regarded as highly confidential and should be provided to the Designated Liaison Person and stored in a secure location, in keeping with Data Protection requirements.

7.2 Reporting Procedures for the Designated Liaison Person Reporting

- 7.2.1 In instances where the DLP is of the view that there is a Reasonable Grounds for Concern they shall report the matter to Tusla.
- 7.2.2 The Designated Liaison Person may seek advice from Tusla where there is any doubt as to whether a matter should be reported to Tusla. In doing so, the Designated Liaison Person shall be explicit that he or she is making an enquiry and not making a report. In all cases where the Designated Liaison Person has sought the advice of Tusla, the Designated Liaison Person shall retain a record of the consultation which will note the date, the name of the Tusla official and the advice given.
- 7.2.3 If Tusla advise that a report should be made to it, the Designated Liaison Person should act on that advice.
- 7.2.4 The Designated Liaison Person shall keep records having regard to the principles set out in Section 7.6 of this Policy.
- 7.2.5 In circumstances where a concern is reported to Tusla, the DLP will have to consider the 2017 Guidance re informing the parent/carer that a report concerning their Child is being made and the reasons (see Section 7.4 below).
- 7.2.6 In instances where the DLP is of the view that a report does not need to be made the Designated Liaison Person shall record the reasons where a decision is made not to report.

7.3 Reporting Procedures by Mandated Persons

- 7.3.1 In the event a Mandated Person in the course of the Mandated Person's employment or profession, believes that Child has been harmed, is being harmed, or is at risk of being harmed the Mandated Person should inform the Designated Liaison Person and consider whether the threshold of harm is met to make a mandated report to Tusla.
- 7.3.2 Where a mandated concern requires urgent intervention to make the Child safe, section 14(7) of the 2015 Act allows the Mandated Person / Designated Liaison Person to alert Tusla of the concern in advance of submitting a written report.

- 7.3.3 The thresholds of harm for each category of abuse at which Mandated Persons have a legal obligation to make mandated reports are as follows:
- 7.3.3.1 **Neglect:** The threshold of harm at which a Mandated Person 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.
- 7.3.3.2 **Emotional Abuse/Ill-Treatment:** The threshold of harm, at which a Mandated Person 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.
- 7.3.3.3 **Physical Abuse:** The threshold of harm, at which a Mandated Person 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.
- 7.3.3.4 **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 a Mandated Person 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 Mandated Person 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 8 of this Policy.
- 7.3.4 Where the Mandated Person decides that the concern reaches the threshold for mandated reporting, the Mandated Person should report this to Tusla as a mandated report.
- 7.3.5 Where the Mandated Person decides 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 Mandated Person /Designated Liaison Person should report the concern to Tusla (as a non-mandated report).
- 7.3.6 There is no obligation to make a mandated report where:
- i. the concern relates to consensual sexual activity as per **Appendix 8A** of this Policy and as defined at section 14(3) of the 2015 Act;
 - ii. the sole basis for the Mandated Person's knowledge, belief or suspicion of harm is as a result of information s/he has acquired, received or become aware of from:
 - Another Mandated Person, who has made a report to Tusla,
 - A person, other than a Mandated Person, who has reported jointly with a Mandated Person to Tusla,
 - iii. unless a Mandated Person becomes aware of any additional information, in which case a further report should be made to Tusla;
 - iv. information was received by the Mandated Person 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
- information is acquired by a Mandated Person 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 a Mandated Person.

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

- 7.4.1 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 -

- 7.4.1.1 if by doing so, the Child will be placed at further risk; or
- 7.4.1.2 in cases where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment; or
- 7.4.1.3 if the reporter is of the reasonable opinion that by doing so it may place him/her at risk of harm from the family.
- 7.4.2 Accordingly, when the Designated Liaison Person 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.
- 7.4.3 A record shall be made of the information communicated by the Designated Liaison Person to the parent/carer. A decision by the Designated Liaison Person not to inform a parent/carer shall be recorded together with the reasons for not doing so.
- 7.4.4 Where the Designated Liaison Person has any doubt as to whether to inform a parent/carer that a report is being made, the Designated Liaison Person shall seek the advice of Tusla.

7.5 Management of records

- 7.5.1 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 Designated Liaison Person and stored in a secure location, in keeping with Data Protection requirements.

7.6 Record Keeping/Recording Allegations

- 7.6.1 Where there is an allegation of child abuse, the Designated Liaison Person shall keep proper records. All records are highly confidential, and it is the responsibility of the Designated Liaison Person to ensure that these are kept securely.
- 7.6.2 Details of allegations and reports of alleged incidents of abuse must be recorded. The records include:
 - 7.6.2.1 the date and time of disclosure;
 - 7.6.2.2 details of the allegation;
 - 7.6.2.3 details of what action the University has taken;
 - 7.6.2.4 an indication of the parties involved (including third parties) including names and addresses;
 - 7.6.2.5 any suspicions consequent on the information and the factual grounds for such suspicions;
 - 7.6.2.6 the response of the parents/guardians to the information (if any);
 - 7.6.2.7 the response of the person against whom the allegations were made (if any);
 - 7.6.2.8 the report from the University Member who received the information or who has concerns;
 - 7.6.2.9 where a decision is made not to inform the parents/guardians, the reason for the decision and the advice received from Tusla;
 - 7.6.2.10 details (dates, times, people, place) of any subsequent meetings and communications of interested parties; and
 - 7.6.2.11 decisions re referral (or not) to Tusla, or An Garda Síochána including how, why, when and by whom the decision was taken.

8. General Provisions

8.1 Child Pornography

- 8.1.1 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.
- 8.1.2 If a University Member is concerned that child pornography images are being downloaded using the University's IT Resources, this should be reported as soon as possible to the Designated Liaison Person. The Designated Liaison Person is then responsible for ensuring that suspicions or allegations are referred to the Gardaí/Tusla and managed as per this Policy. If the University Member is a Mandated Person, 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 Policy, see section 7.
- 8.1.3 In line with the UCC IT Acceptable Usage Policy University personnel must not send, save, print out or move from one device to another any explicit content involving minors.

8.2 Protection from Civil Liability

- 8.2.1 Where the Designated Liaison Person 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.

8.3 Failure to make a mandated report

- 8.3.1 Mandated Persons should be aware of the administrative actions that Tusla can take if, after an investigation, it emerges that a Mandated Person 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 Mandated Person in question is a member;
 - ii. Pass information about the Mandated Person's failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could then be disclosed to a Mandated Person's current or future employers when s/he is next vetted.
- 8.3.2 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.
- 8.3.3 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 offence against a Child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report is a criminal offence.
- 8.3.4 A Mandated Person cannot submit a mandated report anonymously.

9. Implementation & Review

- 9.1 The University recognises that implementation is an on-going process. The University is

committed to the implementation of this Policy, which supports our intention to keep children safe from harm while availing of our services.

- 9.2** This Policy will be reviewed every two years, or as soon as practicable after there has been a material change in any matter to which the Policy refers.

Table 1: Document Control Table

Version	2.0
Owner	OCLA
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Published location	TBC
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APPENDIX 1 - SIGNS AND SYMPTOMS OF CHILD ABUSE

A Child may be subjected to one or more forms of abuse at any given time. Abuse may occur from acts of omission as well as acts of commission. 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.

Please see the following extract from Chapter 2 the Children First: National Guidelines for the Protection and Welfare of Children 2017, available [here](#).

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 is 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 5A** of this Policy.

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
 - Forced marriage
 - Honour-based violence
 - 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 Designated Liaison Person / Mandated Person 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 Designated Liaison Person / Mandated Person may need to make a referral to Tusla and/or An Garda Síochána.

APPENDIX 1A – REASONABLE GROUNDS FOR CONCERN

Please see the following extract from [Children First National Guidance 2017.pdf](#)

REASONABLE GROUNDS FOR CONCERN

Subject to the reporting procedures outlines in this policy, you should always inform Tusla when you have Reasonable Grounds For Concern that a Child may have been, is being, or is at risk of being abused or neglected. If you ignore what may be symptoms of abuse, it could result in ongoing harm to the Child. It is not necessary for you to prove that abuse has occurred to report a concern to Tusla. All that is required is that you have Reasonable Grounds For Concern. It is Tusla's role to assess concerns that are reported to it. If you report a concern, you can be assured that your information will be carefully considered with any other information available, and a child protection assessment will be carried out where sufficient risk is identified.

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a Child is suffering from emotional or physical neglect
- A Child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a Child of an alleged abuse they committed
- An account from a person who saw the Child being abused

APPENDIX 2 - MANDATED PERSONS SPECIFIED IN THE 2015 ACT

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

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian *ad litem* appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - a) manager of domestic violence shelter;
 - b) manager of homeless provision or emergency accommodation facility;
 - c) manager of asylum seeker accommodation (direct provision) centre;
 - d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
 - f) manager of a language school or other recreational school where children reside away from home;
 - g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - h) director of any institution where a Child is detained by an order of a court;
 - i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
 - j) childcare 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 - 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.

APPENDIX 4 - LEGAL FRAMEWORK AND KEY PUBLICATIONS

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

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 5: Child Safeguarding Risk Assessment

Appendix 5 A: Blank Risk Register for Child Safeguarding at 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.
					Impact (1,2,3,4,5)	Likelihood (1,2,3,4,5)	Score	

Appendix 5B: Checklist of potential hazards to children while availing of the services provided by the University and the list of procedures for managing these risks.

UCC Activity	Risk of Harm	Procedures/ Protocols in place to address the risk of harm identified
Children visiting the UCC campus	Risk of harm/ abuse to children	Procedure for the safe recruitment and selection of staff, students and volunteers to work with children (Section 6.2)
Research involving children		
Students on work placements that involve children e.g. teachers, nurses etc.	Risk of harm to a Child due to a child protection or welfare concern not being recognised or reported by a Child	Procedure for the provision of and access to child safeguarding training and information, including the identification of the occurrence of harm (Section 6.3)
School visits by UCC staff		
Dental services involving children	Risk of harm/ abuse to children through the inappropriate taking of or sharing of images	<p>Procedure in relation to Research Activities involving children (Section 6.4)</p> <p>Procedure in relation to allegations of Child Abuse on Placement (Section 6.9)</p> <p>Procedure for appointing a Relevant Person (Section 6.5)</p> <p>Procedure for maintaining a list of the persons (if any) in the relevant service who are Mandated Persons (Section 6.6)</p> <p>Procedure in relation to disclosure by a child of suspected child abuse to a University Member in a University-related capacity (Section 6.7)</p> <p>Procedure in relation to a disclosure of suspected child abuse by a third party to a University Member (Section 6.8)</p> <p>Procedure for retrospective disclosure of child abuse by an adult (Section 6.10)</p> <p>Procedure for allegations of child abuse against a student of the University (Section 6.11)</p> <p>Procedure for the management of allegations against staff (Section 6.12)</p> <p>24-hour campus security in place. Security is always available/ contactable. CCTV monitoring in place on campus. CCTV in use signage erected on-site.</p> <p>UCC IT Acceptable Usage Policy is in effect and all staff and students are provided with the policy.</p>
Risk of harm to a child through University Members' use of ICT and social media		

APPENDIX 6 - MANDATED ASSISTANCE

This is an extract from Chapter 3 of the 2024 Child Safeguarding: A Guide for Policy, Procedure and Practice, available [here](#).

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 some 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.

Under the Children First Act 2015 there is a statutory requirement for Mandated Persons to assist Tusla in the assessment of Mandated Reports, where requested to do so. The Children First Act 2015 provides protection from civil liability when assisting Tusla.

"The Children First Act 2015 provides that all Mandated Persons can be asked by Tusla to provide any necessary and proportionate assistance to aid Tusla in assessing the risk to a Child arising from a Mandated Report. You must comply with this request, regardless of who made the report. Tusla accepts the time limitations and pressures on other professionals and will use mandated assisting only when necessary and only to the extent needed by each specific case. Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting" (Children First: National Guidance for the Protection and Welfare of Children, p.27).

There are five conditions that need to be met before Tusla can make a request for mandated assistance:

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. The Mandated Person 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 Mandated Person is not already voluntarily, as part of their normal duties, participating and assisting with the assessment.

Tusla's Mandated Assisting Protocol for Tusla Staff can be found on the Tusla website, [here](#).

Information that Tusla shares with another person in the course of carrying out an assessment must not be disclosed to a third party, unless Tusla considers it appropriate and authorises in writing that the information may be shared. Failure to comply with this provision is an offence under section 17 of the Children First Act 2015

APPENDIX 7 - REPORT FORMS

Relevant publications and forms are available at <https://www.tusla.ie/children-first/publications-and-forms/>

These include the Child Protection and Welfare Report Form and Guidance Notes and the Retrospective Abuse Report Form and Guidance Notes.

APPENDIX 8 - 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 8A - 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 Designated Liaison Person and Mandated Person 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 Designated Liaison Person / Mandated Person do not have to report consensual sexual activity between older teenagers as sexual abuse to Tusla.

APPENDIX 9 – 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),
- section 8 (use of information and communication technology to facilitate sexual exploitation of child).