



An Roinn Cosanta  
Department of Defence

# ***CIVIL DEFENCE CHILD PROTECTION POLICY***

**July 2020**



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## Statement of Policy

This policy outlines the procedures and establishes the responsibilities of Civil Defence members<sup>1</sup> with regard to the protection of children when working with, or when brought into contact with, children whilst engaged in Civil Defence duties and exercises. Each Civil Defence Unit must have a Designated Liaison Person (DLP) to act as a liaison with outside agencies and as a resource person to any member who has child protection concerns.

The policy has been developed in line with the principles of *Children First: National Guidance for the Protection and Welfare of Children (Department of Children and Youth Affairs 2017)*.

This policy replaces previous Civil Defence Child Protection Policies. It takes into account the decision made by the Department of Defence in 2014, to increase the minimum recruitment age for membership of Civil Defence to 18.

This policy will be reviewed by the Department of Defence every 2 years, or more regularly if required.

This policy operates in conjunction with Civil Defence's Child Safeguarding Statement, the Civil Defence Code of Conduct and the Civil Defence Volunteer Policy. These are available on [www.civildefence.ie](http://www.civildefence.ie)

Issued July 2020.

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<sup>1</sup> Members of Civil Defence include Civil Defence Officers and Assistant Civil Defence Officers who are local authority employees and the volunteers who are recruited through the local authorities to serve in the local Civil Defence unit.

## 1. Introduction

Civil Defence members may have contact with children in the course of their duties. The Department of Defence has written this policy for Civil Defence to ensure the safety of all children that we engage with. In such situations, the following principles and safeguards must be put in place. These principles and safeguards are primarily for the protection of the child. They are also for the protection of the Civil Defence member and the organisation.

The Children First Act 2015 introduces, with effect from December 2017, a new legal obligation on certain people to report child protection concerns to TUSLA. These '**mandated persons**' include emergency medical technicians, paramedics and advanced paramedics. It also includes managers of emergency accommodation facilities. Mandated persons are legally obliged to report the harm of children above a defined threshold to TUSLA and also to assist TUSLA, if requested, in assessing concern which has been the subject of a mandated report.

The Child Care Act 1991 defines a child as a person under the age of 18 years.

Civil Defence's guiding principles in relation to safeguarding children are as follows:

- a) The welfare of children is of paramount importance;
- b) All children, regardless of age, disability, gender, racial or ethnic origin, religious belief and sexual identity have a right to protection from harm or abuse;
- c) Members of Civil Defence may be perceived by children as trustworthy persons, and therefore should conduct themselves in a way that reflects these principles;
- d) The safest possible practices shall be adopted to minimise the possibility of harm or accidents happening to children and to protect workers from the necessity to take risks and leave themselves open to accusations of abuse;
- e) Communication with children and their parents should be conducted in an open and unambiguous manner;
- f) Any concern/report/disclosure will be responded to in an appropriate manner;
- g) Procedures should be put in place for responding to complaints;
- h) Best practice will be followed in the recruitment of volunteers as set out in the Civil Defence Volunteer Policy;
- i) Our guiding principles apply to everyone in this organisation.

## 2. Safeguards

- (i) All Civil Defence members should be made aware of this policy and copies of the policy should be available in every training centre. The policy will also be available on the Civil Defence website.
- (ii) All Civil Defence members should be informed who the Designated Liaison Person (DLP) is in their Unit.

- (iii) The Civil Defence Officer (CDO) or Assistant Civil Defence Officer (ACDO) will inform all of those who are mandated persons (i.e. all EMTs, Paramedics and Advanced Paramedics) that they are mandated persons.
- (iv) All members of Civil Defence are required to complete the TUSLA Children First eLearning training programme or an equivalent Child Protection course. The completion of this training must be recorded on the Civil Defence Volunteer Register. This training must be repeated at least every 5 years as it is a core element of the minimum training standard for Civil Defence volunteers.
- (v) Child Protection awareness training will be delivered to all new volunteers as part of their induction into Civil Defence.
- (vi) Civil Defence members should work in pairs while on Civil Defence duties where they will be in contact with children
- (vii) Where a member of Civil Defence provides treatment to a child, if at all possible, ensure that the parent/guardian is present.
- (viii) If a parent or guardian is not present, the Civil Defence member must ensure that a second volunteer is present.
- (ix) If a Civil Defence member is providing instruction to children, (e.g. training transition year students in CFR), then a second adult such as a teacher or another Civil Defence member must be present at all times.
- (x) If Civil Defence members are working in partnership with another organisation, e.g. a school or a sporting organisation, agreement should be reached in advance regarding safeguarding policy and procedures to be followed, including reporting procedures.
- (xi) Children should not be asked to act as casualties during training or exercises.
- (xii) All children should be treated equally with respect for their age and individuality.
- (xiii) The use of bad, foul, offensive, sexually suggestive language or age inappropriate language should be avoided in the presence of children.
- (xiv) Jokes of a sexual nature may be offensive to others and should never be told in the presence of children.
- (xv) Respect a child's personal space (i.e. going to the toilet or dressing). In the absence of a parent or appointed chaperone, tasks of a personal nature should only be carried out for a child in an emergency or accident situation. Such incidents should be recorded and the child's parents informed.
- (xvi) Particular caution must be exercised in areas such as swimming pools, showers, etc. The use of mobile phones / cameras is strictly prohibited in shower rooms / changing areas.
- (xvii) Civil Defence members should be sensitive to the possibility of becoming over involved or spending a great deal of time with an individual child.
- (xviii) While physical contact is a valid way of comforting, reassuring and showing concern for children (particularly as casualties), it should only take place when it is acceptable to all persons concerned.

- (xix) Civil Defence members must never physically punish or in any way be physically or verbally abusive to a child. Any incidence of this should be reported to the DLP.
- (xx) Members of Civil Defence should not engage in unnecessary physical contact, including horseplay with children.
- (xxi) Do not single out a particular child for unfair favouritism, criticism or ridicule.
- (xxii) Do not socialise inappropriately with children (e.g. outside of structured organisational activities or through communication technology/social media).
- (xxiii) Civil Defence members should not give lifts in their cars to children, other than their own children, when travelling on their own to or from official Civil Defence duties or training activities.
- (xxiv) In the event of an incident, where a Civil Defence member feels his/her actions have been misconstrued, a written report of the incident should be submitted immediately to their CDO or ACDO. The CDO/ACDO should inform the child's parents of the incident. The report should also be forwarded to the DLP.
- (xxv) Where a Civil Defence member has a concern about the nature of a particular relationship involving themselves or indeed another Civil Defence member with a child, they should discuss it with their CDO/ACDO. This should also be reported to the DLP by the CDO/ACDO.

These safeguards are in addition to the Civil Defence Code of Conduct which is available on [www.civildefence.ie](http://www.civildefence.ie)

### **3. Reporting suspected, disclosed or alleged abuse**

It is not the responsibility of anyone within Civil Defence, whether in a paid or voluntary capacity, to decide whether or not child abuse is taking place. It is the function of TUSLA (the Child and Family Agency) and the Gardai to investigate allegations of child abuse. However, there is a responsibility on members of Civil Defence to protect children in order that the appropriate agencies can make enquiries and take any necessary action.

Child abuse is a difficult subject, and it is understandable that people may at times be reluctant to acknowledge its existence. Members of the public or professionals may be afraid of being thought insensitive, afraid of breaking confidence or afraid of being disloyal if they report suspected child abuse to TUSLA or to the Gardai. However, early intervention may reduce the risk of serious harm occurring to a child in the future. The Protection for Persons Reporting Child Abuse Act, 1998 provides immunity from civil liability to persons who report child abuse "reasonably and in good faith" to TUSLA or An Garda Síochána. Recognising child abuse should therefore be left to those with the necessary skills and training, i.e. TUSLA child protection and welfare professionals.

If a Civil Defence member is concerned about a child's safety or welfare the situation should be dealt with as follows:

- (i) Observe and note dates, times, locations and contexts in which the incident occurred or suspicion was aroused, together with any other relevant information.
- (ii) Discuss these concerns with the child or their parent. Concerns should only be checked out / discussed with the parent if this would not pose any threat or further danger to the child. Members should discuss this with the DLP if unsure. All concerns and discussions are recorded.
- (iii) Report the matter immediately to the DLP on the Civil Defence Internal Reporting Form (Appendix 4).
- (iv) Members who are mandated persons will discharge their reporting responsibilities in conjunction with the DLP using TUSLA's Standard Reporting Forms available on the TUSLA website [www.TUSLA.ie](http://www.TUSLA.ie)

#### **4. The role of the Designated Liaison Person (DLP)**

In accordance with *Children First: National Guidance*, Civil Defence has appointed DLPs to act as a liaison with outside agencies and a resource person to any member who has child protection concerns. In each Civil Defence Unit the DLP is the CDO or a person nominated by the CDO to act as the DLP.

Each CDO should make all their volunteers aware of the DLP(s) in their area and their contact details. A list of DLP's is attached in Appendix 5. The function of the DLP is as follows:

- (i) The DLP should be familiar with *Children First: National Guidance for the Protection and Welfare of Children (2017)*, published by the Department of Children and Youth Affairs. The DLP must also be familiar with the current Civil Defence Child Protection Policy.
- (ii) The DLP is responsible for ensuring that the standard reporting procedure is followed, so that suspected cases of child abuse are referred promptly to TUSLA using the Standard Reporting Form. The DLP will keep a supply of Standard Reporting Forms. These are available on the TUSLA website [www.TUSLA.ie](http://www.TUSLA.ie).
- (iii) The DLP should ensure that they are knowledgeable about child protection and be provided with any training necessary to keep themselves updated on new developments.
- (iv) The DLP may receive reports of suspected abuse or they may have concerns about a child's safety and welfare.
- (v) The DLP should be aware of the need to share their concerns or seek advice from TUSLA, including making a formal report. They must also cooperate in whatever way possible, including attending at meetings, in order to share information and contribute to good decision-making.
- (vi) If a person reports suspected child abuse to the DLP, it is the DLP's responsibility to establish, in consultation with the individual who made the report, if reasonable

grounds for concern exist. If the DLP is unsure if reasonable grounds for concern exist they should ring the Duty Social Worker and seek their advice.

- (vii) The DLP will then take one of two actions:
  - a. Report the allegation, concern or disclosure without delay to TUSLA using the TUSLA Standard Report Form. The source should be made aware that the DLP is reporting the information;
  - b. Not make a formal report to TUSLA but keep a record of the concerns on a confidential file. The reasons for not reporting the allegation, concern or disclosure must be clearly recorded. The individual who made the initial report will be informed in writing if a formal report is not being made to TUSLA and it is open to them to make a formal report themselves, directly to TUSLA if they feel this is necessary.
- (viii) Members who are mandated persons should make reports jointly with the DLP and should be aware that they cannot discharge their statutory responsibility to report by reporting to another person (e.g. by reporting to the DLP).
- (ix) In the event of an emergency where the DLP thinks that a child is in immediate danger and they cannot get in contact with TUSLA, they should contact the Gardai. Records held by the DLP may be accessible under the Freedom of Information Act 2014.

**Reasonable Grounds for concern include:**

- (i) Evidence, for example an injury or behavior, that is consistent with abuse and is unlikely to have been caused in any other way.
  - (ii) Any concern about possible sexual abuse
  - (iii) Consistent signs that a child is suffering from emotional or physical neglect
  - (iv) A child saying or indicating by other means that he or she has been abused
  - (v) Admission or indication by an adult or a child of an alleged abuse they committed
  - (vi) An account from a person who saw the child being abused
- (Children First National Guidance for the Protection and Welfare of Children 2017)*

If the DLP is unsure whether the concern constitutes reasonable grounds for concern, they may consult informally with the TUSLA Duty Social Worker.

- a. A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern. However, these suspicions should be recorded or noted internally by the DLP as future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for TUSLA or An Garda Síochána.
- b. Where the DLP decides not to pass on the concern brought to their attention to TUSLA or An Garda Síochána, they must inform the person who made the report of this and give them a clear written statement as to why the DLP is not taking action. The Civil Defence member who made the report to the DLP must also be advised



that if they remain concerned about a situation, they are free as individuals to consult with, or report to, TUSLA or An Garda Síochána. The provisions of the Protections for Persons Reporting Child Abuse Act 1998 apply once they communicate “reasonably and in good faith”.

- c. A DLP who suspects child abuse or neglect should inform the parents/ carers if a report is to be submitted to TUSLA or to the Gardaí, unless doing so is likely to endanger the child or put the investigation or themselves at risk.
- d. The DLP should inform their CDO and the Assistant Principal in Policy and Planning Section, Civil Defence Branch, without disclosing the details, that a report has been submitted. (Where the CDO is also the DLP, the CDO should inform the Assistant Principal that a report has been submitted).
- e. Dealing with child protection issues can be stressful. A DLP can seek support from their CDO or from other members of Civil Defence who are trained in CISM (Critical Incident Stress Management), without disclosing identifying details of the child/family concerned. **The Inspire helpline 1800 409 673 is also available to provide support for Civil Defence DLPs and CDOs.**
- f. In the event of any Civil Defence member receiving information in respect of a suspicion of child abuse/welfare from a third party, this must be reported to the local TUSLA Duty Social Worker via the DLP. If the Civil Defence member believes that reasonable grounds for concern exists the information should be forwarded to TUSLA regardless of whether the source wishes to be identified or not. The source must be made aware that the information is being reported to TUSLA and it will be acted upon in the usual manner. Third parties may be asked to be interviewed as part of an investigation.

## **5. Mandated Persons**

The Children First Act 2015 places a legal obligation on certain people to report child protection concerns to TUSLA. These mandated persons must also assist TUSLA, on request, in its assessment of child protection concerns about children who have been the subject of a mandated report. The schedule of mandated persons includes emergency medical technicians, paramedics and advanced paramedics. It also includes the manager of an emergency accommodation facility.

Further details on the role of mandated persons is set out in Appendix 2.

## **6. Dealing with a disclosure**

If a member of Civil Defence has a concern for the welfare of a child, they are duty bound to report that concern to the DLP. If a child discloses a case of abuse to a member of Civil Defence, s/he should strive to act as follows:

- (i) Be as calm and natural as possible. Listen sympathetically to what the child has to say. Give them the time and opportunity to tell as much as they are able and wish to.
- (ii) Remember that you have been approached because you are trusted and possibly liked. Do not panic. Be aware that disclosures can be very difficult for the child.
- (iii) The child may initially be testing your reactions and may only fully open up over a period of time. Do not pressurise the child. Allow him or her to disclose at their own pace and in their own language.
- (iv) Conceal any signs of disgust, anger or disbelief.
- (v) Reassure the child that s/he was right to tell and is not to blame.
- (vi) Do not be judgmental. Do not speculate or make assumptions.
- (vii) Do not make negative comments about the alleged abuser. Conceal any signs of disgust, anger or disbelief.
- (viii) Accept what the child has to say – false disclosures are very rare.
- (ix) It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The child quite possibly may love or strongly like the alleged abuser while also disliking what was done to them. It is important therefore to avoid expressing any judgment on, or anger towards, the alleged perpetrator while talking with the child.
- (x) It may be necessary to reassure the child that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed.
- (xi) When asking questions, questions should be supportive and for the purpose of clarification only. Avoid leading questions, such as asking whether a specific person carried out the abuse. Also, avoid asking about intimate details or suggesting that something else may have happened other than what you have been told. Such questions and suggestions could complicate the official investigation.
- (xii) Be honest with the child about what we can and cannot do. Tell them that we cannot keep secrets and inform them what will happen next.
- (xiii) At the earliest opportunity, tell the child that:
  1. You acknowledge that they have come to you because they trust you.
  2. You will be sharing this information only with people who understand this area and who can help. There are secrets, which are not helpful and should not be kept because they make matters worse. Such secrets hide things that need to be known if people are to be helped and protected from further ongoing hurt. By refusing to make a commitment to secrecy to the child, you do run the risk that they may not tell you everything (or, indeed, anything) there and then. However, it is better to do this than to tell a lie and ruin the child's confidence in yet another adult. By being honest, it is more likely that the child will return to you at another time.
- (xiv) Think before you promise anything and do not make promises you cannot keep.
- (xv) Do not confront the individual who is alleged to be responsible.

- (xvi) Follow Civil Defence procedures for child protection issues.
- (xvii) Maintain appropriate confidentiality.
- (xviii) Further support regarding concerns is available from TUSLA.

#### Retrospective Disclosures by Adults

An increasing number of adults are disclosing abuse that took place during their childhoods. It may not be possible for a Civil Defence member to assess if any risk is deemed to exist to a child therefore it would be advisable to make a report to the DLP. The DLP should report the concern to TUSLA who will establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures. This is a very complex area and DLPs should seek advice from TUSLA on how to proceed.

The Retrospective Abuse Report Form (RARF) should be used to report disclosures of childhood abuse by adults. This form is available on the TUSLA website, [www.TUSLA.ie](http://www.TUSLA.ie)

### **7. Procedures for allegations of abuse against a member of Civil Defence**

If such an allegation is made, the member will be treated with respect and fairness, in accordance with Civil Defence's guiding principles and child safeguarding procedures. The rules of natural justice and fair procedures will also apply. The safety of the person making the allegation and any others who are/may be at risk should be ensured and this should take precedence over any other consideration. In this regard, Civil Defence Units should take any necessary steps that may be immediately necessary to protect children.

If an allegation of abuse is made against a CDO or ACDO then the procedures of the relevant local authority will apply. If an allegation is made against a volunteer then the following procedures apply.

- (i) The safety of the child is the first priority of Civil Defence and all necessary measures will be taken to ensure that that children are safe. The measures taken will be proportionate to the level of risk. Civil Defence will work closely with both TUSLA and An Garda Síochana and any decisions on action to be take in regard to the volunteer will be taken in consultation with these agencies. It is important to note that 'protective measures' do not presume guilt.
- (ii) Two named people will deal with the two separate procedures. Firstly regarding the child the DLP will make a report to TUSLA/and An Garda Síochana, or will consult with the Duty Social Worker in TUSLA. Secondly the CDO or ACDO will deal with the volunteer against whom the allegation is made. If the DLP is the CDO or ACDO, the DLP will always deal with the procedure in relation to the child. A senior member of local authority staff may be asked to deal with the procedure in relation to the member.

- (iii) Where reasonable grounds for concern exist (as outlined on page 8), the volunteer against whom an allegation of child abuse has been made will be asked to stand aside by the CDO or ACDO pending the outcome of any investigation by TUSLA and/ or An Garda Síochána. If the volunteer refuses to stand aside, they will be immediately suspended by the CDO or ACDO in accordance with the Civil Defence Code of Conduct.
- (iv) The Director of Services, or equivalent, must be informed by the CDO or ACDO of the allegations and the actions taken in response to those allegations.
- (v) Where reasonable grounds for concern exist the matter will be reported to TUSLA following the standard reporting procedure outlined above. There should be no delay in reporting to TUSLA. Advice should be sought from TUSLA with regard to any action deemed necessary to protect the child/children who may be at risk.
- (vi) The DLP must inform the Assistant Principal (Policy and Planning) at Civil Defence Branch, Department of Defence by telephone or in writing, but once again no details are necessary unless the Unit concerned requests help in dealing with the member against whom the allegation has been made.
- (vii) The volunteer should be informed, in private (a) that an allegation has been made against him/her, and (b) the nature of the allegation. The volunteer should be afforded an opportunity to respond. They should be informed that any response will be noted and may be shared with TUSLA/An Garda Síochána.
- (viii) All persons involved in a child protection process (the child, his/her parents/guardians, the alleged offender, his/her family, other Civil Defence members) should be afforded appropriate respect, fairness, support and confidentiality at all stages of the procedure.
- (ix) The CDO/ ACDO/ DLP will liaise closely with investigating bodies (TUSLA / An Garda Síochána) to ensure that actions taken by Civil Defence do not undermine or frustrate any investigations
- (x) All stages of the process must be recorded.

The CDO or ACDO may instigate disciplinary proceedings in accordance with the Civil Defence Code of Conduct if deemed necessary.

## **8. Confidentiality**

Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a need to know basis only. Information should be stored in a secure place, with access through the DLP only. The requirements of the Data Protection Acts 1988 and 2003 as well as GDPR 2018 should be adhered to. The effective protection of the child often depends on the willingness of the staff in statutory and voluntary organisations involved with children to share and exchange relevant information. It is therefore critical that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information.

No undertaking of secrecy can be given. Those working with the child and the family should make it clear to all parties involved that all information will be handled and disseminated on a need to know basis taking full account of legal requirements. The parents/carers and children have a right to know if their personal information is being submitted to TUSLA or to An Garda Síochána, unless doing so is likely to endanger the child.

The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection. Civil Defence is committed to cooperating with TUSLA on the sharing of their records as required, where a child welfare or protection issue arises. Our members will also attend meetings organised by TUSLA if necessary.

### **9. Record Keeping**

Records should be factual, accurate and legible. They should be dated and signed after each entry. They should be recorded on the day that the action, attempted action, communication, attempted communication took place or, at the latest, the following day. If neglect or abuse is suspected and acted upon, for example, by informing TUSLA, it is important to establish the grounds for concern considering the available information.

Observations and concerns should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available. All stages of the process should be recorded and kept in a secure location e.g. electronic records should be password protected and accessible by two named persons only; hardcopy records should be stored in a locked fire proof cabinet in the office of the CDO/ACDO to prevent tampering or interfering with the records and only two persons should have access to the records.

Protection of the records in compliance with Data Protection legislation should be complied with. Where an Order of Discovery for records is made then legal advice should be sought from a Criminal Legal Advisor. Where communication takes place between the CDO and/or the DLP and a Criminal Legal Advisor then a request for legal protection of the communication should be sought in writing from the Criminal Legal Advisor. Parents, and if appropriate children, should be informed of actions planned and taken. It is Civil Defence policy to retain all documents in relation to these concerns indefinitely.

The Person expressing the concern to the DLP should fill in the Internal Reporting Form in Appendix 4 to this document. Only facts should be filled in on this form, not speculation, suspicion or judgement. Parents should be informed if a report is to be submitted to TUSLA

or An Garda Síochána, unless doing so is likely to endanger the child, undermine the investigation or endanger the reporter.

## **10. Anonymous Complaints**

Anonymous complaints can be difficult to deal with but should not be ignored. In all cases the safety and welfare of the child/children is paramount. Any complaints relating to inappropriate behaviour should be brought to the attention of the DLP. Rumours should not be allowed to hang in the air. Any rumours relating to inappropriate behaviour should be brought to the attention of the DLP and checked out without delay.

All members of Civil Defence must comply with the Civil Defence Child Protection Policy and should not report anonymously to TUSLA. Any information that gives rise to a concern about a child's welfare and/or protection should be reported to TUSLA by the DLP (or any mandated person jointly with the DLP), even if it comes from a third party and even if the third party intends to report the matter themselves. The DLP, and any mandated person, must act on information received.

## **11. Complaints Procedure**

If a person wishes to make an informal complaint in relation to any aspect of the Civil Defence Child Protection Policy they should make their complaint initially locally to the DLP either verbally or in writing.

A formal complaint in relation to any aspect of the Civil Defence Child Protection Policy can be made through the CDO, the ACDO or the Director of Services (or equivalent) with responsibility for Civil Defence in the relevant local authority. The complaint should be made in writing outlining the specific nature of the complaint, together with any accompanying details. If the matter is not resolved at local level the person making the complaint can write to the Assistant Principal in the Policy and Planning Section of the Civil Defence Branch of the Department of Defence.

If a member of Civil Defence wishes to make a complaint about any matter affecting their duty or training then they should follow the procedures set out in the Civil Defence Code of Conduct. This is available on the Civil Defence website.

If a member of the public wishes to make a complaint about Civil Defence they should follow the complaints procedure of the relevant local authority.

## **12. Photographs, videos and social media**

Children, as well as adults, have a right to privacy and therefore their consent should be sought in relation to use of personal data, including images. In the case of children parental consent should be sought and obtained in writing and information provided on how and for what

purpose the images will be used. The internet and social media sites are public, accessible and largely unregulated. Decisions to post information, including images, on websites should take account of this.

Volunteers must seek the permission of their CDO or ACDO prior to taking any images at events and activities. The policy as set out in Civil Defence Circular 1/2015 must be complied with for any information associated with social networking activities on behalf of the Civil Defence.

Good Practice recommends that:

- (i) Recorded images should only be made, kept and used where there is a valid reason associated with the activity involved.
- (ii) Recording of images should be supervised.
- (iii) Children, and their parents/carers should be informed in advance if and when images will be taken and their written consent sought for image retention and use. This process is known as informed consent. Where possible, a written record should be kept of this consent.
- (iv) Children, and parents should be informed as to how and where images will be used.
- (v) Images should only be used for the purpose(s) agreed.
- (vi) Images should only be used in the intended context and should not be used out of context.
- (vii) In general, individual children should not be identified, with the exception being where they are being publicly acknowledged (e.g., an award, performance, achievement) for which consent has been given.
- (viii) For publicity purposes, group photographs are preferable to individual ones.
- (ix) Ensure all children are appropriately dressed.
- (x) Ensure that images do not contribute to or expose children to embarrassment, distress or upset.
- (xi) Use images that represent the diversity of children participating in any given activity or setting.
- (xii) Do not use images of children who are considered vulnerable or whose identity may require protection.
- (xiii) Permission to take and use images of children should be requested as part of their registration process for an activity, programme or event.
- (xiv) Refusal of consent should not in any way limit children's participation in activities.
- (xv) Where images are kept for future use, relevant names, dates and other contextual information should be stored with them as well as signed consent for their usage.
- (xvi) Images should be carefully stored, with consent attached or cross referenced.
- (xvii) Images should only be passed to third parties for their use where this has been agreed as part of the consent process.

### **13. FURTHER INFORMATION**

For further information regarding the Civil Defence Child Protection Policy please contact:

**Policy and Planning Section,  
Civil Defence Branch,  
Department of Defence  
Benamore,  
Roscrea,  
Co. Tipperary,  
E53 CY80.**

**Telephone: 0505 25310,      Email: [civildefence@defence.ie](mailto:civildefence@defence.ie)**



## **Appendix 1: Types of child abuse and how they may be recognised**

*(From Children First National Guidance for the Protection and Welfare of Children 2017)*

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

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.

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

### **Neglect**

Child neglect is the most 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 you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

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

### **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 behavior becomes typical of the relationship between the child and the parent or carer.

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

- Rejection
- Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (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.

### **Physical abuse**

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

- Physical abuse can include the following:
  - Physical punishment
  - Beating, slapping, hitting or kicking
  - Pushing, shaking or throwing
  - Pinching, biting, choking or hair-pulling
  - Use of excessive force in handling
  - Deliberate poisoning
  - Suffocation
  - Fabricated/induced illness
  - Female genital mutilation

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in 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.

### **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:
  - a. 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]
  - b. Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
  - c. 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
- It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

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 Chapter 3 of this Guidance.

### **Circumstances which may make children more vulnerable to harm**

If you are dealing with children, you need to be alert to the possibility that a welfare or protection concern may arise in relation to children you come in 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 you identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. It is important for you 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
- »» 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 and radicalization.

**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

You 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. If you are a staff member of a school, you should also be aware of your school'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, you may need to make a referral to TUSLA and/or An Garda Siochana.

## **Appendix 2: Mandated Persons**

*(From Children First National Guidance for the Protection and Welfare of Children 2017)*

The Children First Act 2015 places a legal obligation on certain people, many of whom are professionals, to report child protection concerns at or above a defined threshold to TUSLA - Child and Family Agency. These mandated persons must also assist TUSLA, on request, in its assessment of child protection concerns about children who have been the subject of a mandated report. The purpose of this chapter is to identify mandated persons and to help them fulfil their statutory obligations.

### **WHO ARE MANDATED PERSONS?**

Mandated persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. Mandated persons include professionals working with children in the education, health, justice, youth and childcare sectors. Certain professionals who may not work directly with children, such as those in adult counselling or psychiatry, are also mandated persons. The list also includes registered foster carers and members of the clergy or pastoral care workers of a church or other religious community.

The list of mandated persons includes emergency medical technicians, paramedics and advanced paramedics. It also includes the managers of homeless provision or emergency accommodation.

### **WHAT ARE THE LEGAL OBLIGATIONS OF A MANDATED PERSON?**

Mandated persons have two main legal obligations under the Children First Act 2015. These are:

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

Section 14(1) of the Children First Act 2015 states: ‘...where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child (a) has been harmed, (b) is being harmed, or (c) is at risk of being harmed, he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency.’

Section 14(2) of the Children First Act 2015 also places obligations on mandated persons to report any disclosures made by a child: ‘Where a child believes that he or she– (a) has been harmed, (b) is being harmed, or (c) is at risk of being harmed, and discloses this belief to a mandated person in the course of a mandated person’s employment or profession as such a



person, the mandated person shall, ... as soon as practicable, report that disclosure to the Agency.'

Section 2 of the Children First Act 2015 defines harm as follows: 'harm means in relation to a child– (a) assault, ill-treatment or neglect of the child in a manner that seriously affects, or is likely to seriously affect the child's health, development or welfare, or,(b) sexual abuse of the child.'

## **REPORTING MANDATED CONCERNS**

Criteria for reporting: definitions and thresholds. As a mandated person, under the legislation you are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of abuse are described in Appendix 1. The threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns is outlined below.

If you are in doubt about whether your concern reaches the legal definition of harm for making a mandated report, TUSLA can provide advice in this regard. You can find details of who to contact to discuss your concern on the TUSLA website ([www.TUSLA.ie](http://www.TUSLA.ie)). If your concern does not reach the threshold for mandated reporting, but you feel it is a reasonable concern about the welfare or protection of a child, you should report it to TUSLA.

### **NEGLECT**

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

### **EMOTIONAL ABUSE/ ILL-TREATMENT**

Ill-treatment is defined as 'to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated'. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015.

The threshold of harm, at which you must report to TUSLA under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

### **PHYSICAL ABUSE**

Physical abuse is covered in the references to assault in the Children First Act 2015. The threshold of harm, at which you must report to TUSLA under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

## **SEXUAL ABUSE**

If, as a mandated person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to TUSLA under the Children First Act 2015. Sexual abuse to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, you must submit all concerns about sexual abuse as a mandated report to TUSLA. There is one exception, which deals with certain consensual sexual activity between teenagers, which is outlined on page 23 of this Guidance.

### **Disclosures of abuse from a child**

If, as a mandated person, you receive a disclosure of harm from a child, which is above the thresholds set out above, you must make a mandated report of the concern to TUSLA. You are not required to judge the truth of the claims or the credibility of the child. If the concern does not meet the threshold to be reported as a mandated concern you should report it to TUSLA as a reasonable concern under this Guidance.

If you receive a disclosure of harm from a child, you may feel reluctant to report this for a number of reasons. For example, the child may say that they do not want the disclosure to be reported, or you may take the view that the child is now safe and that the involvement of TUSLA may not be desired by either the child or their family. However, you need to inform TUSLA of all risks to children above the threshold, as the removal of a risk to one child does not necessarily mean that there are no other children at risk. The information contained in a disclosure may be critical to TUSLA's assessment of risk to another child either now or in the future.

You should deal with disclosures of abuse sensitively and professionally. The following approach is suggested as best practice for dealing with these disclosures.

- React calmly
- Listen carefully and attentively
- Take the child seriously
- Reassure the child that they have taken the right action in talking to you
- Do not promise to keep anything secret

- Ask questions for clarification only. Do not ask leading questions
- Check back with the child that what you have heard is correct and understood
- Do not express any opinions about the alleged abuser
- Ensure that the child understands the procedures that will follow
- Make a written record of the conversation as soon as possible, in as much detail as possible
- Treat the information confidentially, subject to the requirements of this Guidance and legislation.

### **Mandated persons who work with adults**

If you are a professional who works with or treats persons with mental health difficulties, intellectual disability, addiction or domestic violence issues, or if you work in the probation services, you must consider the welfare and safety of any children in that person's family and/or children in regular contact with the person. You may find yourself working with people whose health and behavior has harmed or may harm a child. If there are concerns which meet or exceed the thresholds outlined above, then you must report them to TUSLA under the Children First Act 2015.

### **Dealing with a retrospective allegation**

Some adults may disclose abuse that took place during their childhood. Such disclosures may come to light when an adult attends counselling, or is being treated for a psychiatric or health problem. If you are, for example, a counsellor or health professional, and you receive a disclosure from a client that they were abused as a child, you should report this information to TUSLA, as the alleged abuser may pose a current risk to children.

If, as a mandated person, you provide counselling, it is recommended that you let your clients know, before the counselling starts, that if any child protection issues arise and the alleged perpetrator is identifiable, you must pass the information on to TUSLA. If your client does not feel able to participate in any investigation, TUSLA may be seriously constrained in their ability to respond to the retrospective allegation.

The reporting requirements under the Children First Act 2015 apply only to information that you, as a mandated person, received or became aware of since the Act came into force, whether the harm occurred before or after that point. However, if you have a reasonable concern about past abuse, where information came to your attention before the Act and there is a possible continuing risk to children, you should report it to TUSLA under this Guidance.

### **Exemptions from requirements to report 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 Children First Act 2015. If you are satisfied that all of the following criteria are met, you are not 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, you as a mandated person do not have to report consensual sexual activity between older teenagers as sexual abuse to TUSLA. All persons, including mandated persons, must uphold the key principle that the welfare of the child is paramount and if you have any concerns, even where all the above criteria are met, you may make a report to TUSLA.

### **CONCERNS DEVELOPED OUTSIDE OF PROFESSIONAL DUTIES**

The legal obligation to report under the Act applies only to information that you acquire in the course of your professional work or employment. It does not apply to information you acquire outside your work, or information given to you on the basis of a personal rather than a professional relationship. While the legal obligation to report only arises for employment or professional duties, you should comply with the requirement of this Guidance to report all reasonable concerns to TUSLA.

### **MAKING A MANDATED REPORT**

Section 14 of the Children First Act 2015 requires mandated persons to report a mandated concern to TUSLA 'as soon as practicable'. You should submit a report of a mandated concern to TUSLA using the required report form, on which you should indicate that you are a mandated person and that your report is about a mandated concern. You should include as much relevant information as possible in the report as this will aid effective and early intervention for the child and may reduce the likelihood of TUSLA needing to contact you for further information. You can find the report form and contact details on the TUSLA website ([www.TUSLA.ie](http://www.TUSLA.ie)).

The Children First Act 2015 requires the CEO of TUSLA to appoint authorized persons to receive mandated reports. A mandated person who makes a report to an authorised person is protected from civil liability under the Protections for Persons Reporting Child Abuse Act 1998. The mandated report form can either be posted or submitted electronically to TUSLA. You can find details of how to access relevant TUSLA authorised staff on the TUSLA website. Authorised persons are obliged to acknowledge in writing all mandated reports they receive.

If you feel the concern may require urgent intervention to make the child safe, section 14(7) of the Children First Act 2015 allows you to alert TUSLA of the concern in advance of submitting a written report. You must then submit a mandated report to TUSLA on the report form within three days. Under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by TUSLA. If you think the child is in immediate danger and you cannot contact TUSLA, you should contact the Gardaí.

You should be aware that TUSLA may be unable to provide feedback to you on the progress or outcome of the case. However, the information which you have provided will be carefully considered with any other information available to TUSLA, and a child protection assessment will take place if sufficient risk is identified. Further details on how TUSLA deals with concerns received can be found in Chapter 5 of the Children First National Guidance 2017.

You are not required to report the same concern more than once. However, if you become aware of any additional information, a further report should be made to TUSLA. In addition, you are not required to make a report where the sole basis for your knowledge, belief or suspicion of harm is as a result of becoming aware that another mandated person has made a report to TUSLA about the child.

### **Joint reporting**

As a mandated person, you may make a report jointly with any other person, whether that person is also a mandated person or not. For example, this could arise in situations where a child is admitted to the hospital emergency department and could be seen by a number of health professionals, or in a school where the teacher, the special needs assistant (SNA) and the principal all have concerns about the same child and wish to make a joint report to TUSLA.

### **Informing the family that a report is being made**

The Children First Act 2015 does not require you to inform the family that a report under the legislation is being made to TUSLA. However, it is good practice to tell the family that a report is being made and the reasons for the decision.

It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or where the family's knowledge of the report could impair TUSLA's ability to carry out a risk assessment. Also, you do not need to inform the family if you reasonably believe that by doing so it may place you at risk of harm from the family.

### **Informing the employer or designated liaison person**

As part of their child protection reporting procedures or internal human resources (HR) policy, employers may require mandated persons to inform them if a mandated report has been made and to provide a copy of the report. You should be familiar with your employer's procedures and follow them.

Also, many organisations providing services to children (including Civil Defence) have a designated liaison person, who acts as a resource to any staff member who has a child protection concern. Designated liaison persons are responsible for ensuring that reporting procedures are followed correctly and promptly and they act as liaison person with other agencies. Further details on child safeguarding procedures for organisations are set out in Chapter 4 of Children First National Guidance 2017.

As a mandated person, you have a statutory obligation to report concerns of harm which meet or exceed the threshold set out in the Children First Act 2015 directly to TUSLA. However, there is nothing in the Act to prevent you from either making a mandated report jointly with a designated liaison person or providing a copy of the mandated report you have submitted to TUSLA for the information of the designated liaison person.

### **Consequences of non-reporting**

The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to TUSLA. However, you should be aware that there are possible consequences for a failure to report. There are a number of administrative actions that TUSLA could take if, after an investigation, it emerges that you did not make a mandated report and a child was subsequently left at risk or harmed.

TUSLA may:

Make a complaint to the Fitness to Practise Committee of a regulatory body of which you are a member.

Pass information about your failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could therefore be disclosed to your current or future employers when you are next vetted.

In general, many employers consider a failure to report a child protection concern to be a disciplinary matter. Employers are encouraged to include references to obligations in relation to mandated reporting in codes of conduct and contracts of employment for relevant persons. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report under the Act is a criminal offence under that legislation. This obligation is in addition to any obligations under the Children First Act 2015.

As a mandated person, you should be aware that the legal obligations under the Children First Act 2015 to report mandated concerns rest with you and not with the designated liaison person.

### **MANDATED ASSISTING**

When TUSLA receives a report of harm to a child, the information in the report is used to assess the risk of harm to that child, or any other child. Written reports from mandated persons should improve the quality of information available to TUSLA and therefore improve the assessment process, although in some instances TUSLA will need further information from the person making the report. The better the quality of the initial report, and the more comprehensive and relevant the information given at that stage, the more likely TUSLA can make an early and effective decision about how to deal with the reported concern.

It is usual practice for professionals, who have ongoing contact with a child and where there is concern about possible abuse, to continue to engage with TUSLA's social work team to assist in the protection of the child. To support and reinforce this practice, 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 in 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. You can find the TUSLA Children First – Protocol for Mandated Assisting on the TUSLA website ([www.TUSLA.ie](http://www.TUSLA.ie)).

TUSLA is committed to promoting the welfare of children. Its ability to do so is greatly improved if all professionals involved with the child work together in the child's interests. TUSLA's ability to make good-quality evidence-based decisions about a child's welfare and/or protection is enhanced by cooperation and information-sharing about a child.

### **Sharing information**

The Data Protection Acts 1988 and 2003 do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of child protection. TUSLA has the authority to share information concerning a child who is the subject of a risk assessment with a mandated person who has been asked to provide assistance. TUSLA must only share what is necessary and proportionate in the circumstances of each individual case.

Information that TUSLA shares with you, if you are assisting it to carry out an assessment, must not be shared with a third party, unless TUSLA considers it appropriate and authorises in writing that the information may be shared. This is in keeping with the principles of data protection, which recognise that in certain circumstances information can be shared in the interests of child protection, but that such sharing must be necessary and proportionate.

Section 17 of the Children First Act 2015 makes it an offence for you to disclose information to a third party which has been shared by TUSLA during the course of an assessment, unless TUSLA has given you written authorization to do so. If you fail to comply with this section, you may be liable to a fine or imprisonment for up to six months or both. This offence can also be applied to an organisation.

### **Protection from civil liability**

If you are required to share information with TUSLA when assisting in the assessment of risk to a child, you are protected from civil liability. (Section 16(3) of the Children First Act 2015 refers).

### **ADVICE, INFORMATION AND TRAINING FOR MANDATED PERSONS**

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

## **Appendix 3: National contacts for TUSLA Children and Family Agency**

Up to date contact details for social workers in each county are available on [www.TUSLA.ie](http://www.TUSLA.ie) or alternatively ring 01-7718500.

TUSLA COUNSELLING SERVICE – Adult Survivors of Childhood Abuse 1800 234 115.



## Appendix 4: Internal Reporting Form in Civil Defence

Please complete this form, using only factual information, and pass to the Designated Liaison Person

Name of Child: \_\_\_\_\_ Age: \_\_\_\_\_

Details of concern in relation to the child:

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Have you checked out your concerns? (In the event of a disclosure, you do not need to check your concerns)

With the child? What was the outcome?

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With the parent? What was the outcome?

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With another Civil Defence member? What was the outcome?

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Concern discussed with and passed on to Designated Person on: (Date/Time)

Name:

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Position within Civil Defence:

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## Appendix 5: Designated Liaison Persons in Civil Defence

COUNTY	DESIGNATED LIAISON PERSON	DEPUTY DESIGNATED LIASON PERSON
<b>CARLOW</b>	Eamon Brophy 059 9170345	
<b>CAVAN</b>	John Maguire 087 6868245	Teresa McGovern 086 3033690
<b>CLARE</b>	Noel Carmody 086 8545386	
<b>CORK CITY</b>	Veronica Forde 086 2520681	
<b>CORK NORTH</b>	Erik O'Regan 087 1209844	John Maunsell 087-2557907
<b>CORK SOUTH</b>	John Kearney 087-4774949	
<b>CORK WEST</b>	Caroline O'Shea 086-8191664	Sara McSweeney 087-9780178
<b>DONEGAL</b>	Edel Flynn 087-2386579	Joanne McGroary, 086 1549724.
<b>DUBLIN</b>	Catherine Donaghy 087 2378992	Maria Kennedy 086 3263726
<b>GALWAY</b>	Louie Casserly 087 8155316	
<b>KERRY</b>	Esther Laverty 087 9613241	Tom Brosnan 087 6694011
<b>KILDARE</b>	Patricia McNeela 087-2570506	
<b>KILKENNY</b>	Margaret Newport 056-7794944 087-2523914	Adrian Waldron 056-7794484
<b>LAOIS</b>	Paddy Lynch 087 7417107	Liam Preston 087 9273688
<b>LEITRIM</b>	Brian Sweeney 087 8311219	
<b>LIMERICK</b>	John Ryan - 086 2345420 Margaret Madigan 086-3030420	Cecilia O'Flaherty 087 7624164
<b>LONGFORD</b>	Seamus Kiernan 087-0671788	
<b>LOUTH</b>	Eleanor Wogan 087 9883928	Gillian Duffy 087 6731400
<b>MAYO</b>	Fran Power 087 2276307	
<b>MEATH</b>	Paul Strachan 087-6423848	Aideen O'Connell 087 6719517
<b>MONAGHAN</b>	Brendan Buckley 087 6349034	Cathy Johnson 087 7747007
<b>OFFALY</b>	Anthony Berry 087 7666335	Raphael Fallon 087 1273869
<b>ROSCOMMON</b>	Caroline Smyth 087 6854638	Ray Dunne 087 9078854
<b>SLIGO</b>	Anne-Marie Mitchell 087 6173483	John Foley, 086-3906007 Danny Mc Donnell 087-6559746 Michael Dowdican 087-0555061
<b>TIPPERARY</b>	Anthony Graham 087-2651300	Dolores Fahey 087 2435001
<b>WATERFORD</b>	Paul Nolan 087 2244324 Gary Walsh 087-7416002	Ruth Fitzgerald 087 6419932
<b>WESTMEATH</b>	Joe Reilly 087 7697987	Tony Martin 087 2249835
<b>WEXFORD</b>	Carmel King 051 440430 087 8102590	Brendan Hynes 053 91765000 087 2839226
<b>WICKLOW</b>	Michelle Cox 086 8607204	Michael Richardson 086 8183358

## **Appendix 6: Relevant Legislation**

### **CHILD CARE ACT 1991**

This is the key piece of legislation which regulates child care policy in Ireland. Under this Act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

### **PROTECTIONS FOR PERSONS REPORTING CHILD ABUSE ACT 1998**

This Act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015. This legal protection means that even if you report a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. If you make a report in good faith and in the child's best interests, you may also be protected under common law by the defence of qualified privilege.

You can find the full list of persons in Tusla and the HSE who are designated officers under the 1998 Act, on the website of each agency ([www.TUSLA.ie](http://www.TUSLA.ie) and [www.hse.ie](http://www.hse.ie)).

### **CRIMINAL JUSTICE ACT 2006**

Section 176 of this Act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by:

1. Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or
2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

### **CRIMINAL JUSTICE (WITHHOLDING OF INFORMATION ON OFFENCES AGAINST CHILDREN AND VULNERABLE PERSONS) ACT 2012**

Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána. The provisions of the Withholding legislation are **in addition** to any reporting requirements under the Children First Act 2015.

### **NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) ACTS 2012–2016**

Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with their provisions.

Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

### **CHILDREN FIRST ACT 2015**

The Children First Act 2015 is an important addition to the child welfare and protection system as it will help to ensure that child protection concerns are brought to the attention of TUSLA without delay. The Act provides for mandatory reporting of child welfare and protection concerns by key professionals; comprehensive risk assessment and planning for a strong organisational culture of safeguarding in all services provided to children; a provision for a register of non-compliance; and the statutory underpinning of the existing Children First Interdepartmental Implementation Group which promotes and oversees cross-sectoral implementation and compliance with Children First.

### **CRIMINAL LAW (SEXUAL OFFENCES) ACT 2017**

This Act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The Act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.