

A Guide for the Reporting of Child Protection and Welfare Concerns

Children
First

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

For individuals and
organisations working
with children



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Introduction

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Tusla is the Child and Family Agency responsible for keeping children safe and protected from harm. We work together with parents and professionals to try to achieve this.

This Guide will help you when considering reporting a child protection or welfare concern to Tusla. It outlines the *Children First* principles of practice and the importance of working together to protect children. Guidance is given on when and how to report a child protection or welfare concern to Tusla. Information is provided on how Tusla will respond to your report and on related issues, such as feedback to you as the reporter and record-keeping. Finally, it provides information on Tusla's out-of-hours service, child protection and welfare training, and our complaints procedure.

This Guide should be read along with *Children First: National Guidance*, which can be found on the website of the Department of Children and Youth Affairs (see the Resources section of this Guide). *Children First: National Guidance* places a responsibility on all people to protect children and, where appropriate, to report child protection or welfare concerns to Tusla.

NEW
GUIDELINES





Children First Principles

Children First has a set of principles that guide our work with families

Principle 1: The safety and welfare of children is everyone's responsibility.

Principle 2: The best interests of the child should be paramount.

Principle 3: The overall aim in all dealings with children and their families is to intervene proportionately to support families to keep children safe from harm.

Principle 4: Interventions by the State should build on existing strengths and protective factors in the family.

Principle 5: Early intervention is key to getting better outcomes. Where it is necessary for the State to intervene to keep children safe, the minimum intervention necessary should be used.

Principle 6: Children should only be separated from their parents or carers when alternative means of protecting them have been exhausted.

Principle 7: Children have a right to be heard, listened to and taken seriously. Taking into account their age and understanding, children should be consulted and involved in all matters and decisions that may affect their lives.

Principle 8: Parents and carers have a right to respect, and should be consulted and involved in matters that concern their family.

Principle 9: A proper balance must be struck between protecting children and respecting the rights and needs of parents, carers and families. Where there is conflict, the child's welfare must come first.

Principle 10: Child protection is a multiagency, multidisciplinary activity. Agencies and professionals must work together in the interests of the children.


The Importance of Working Together

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Everyone who works with children has a responsibility for keeping them safe.

No one person holds all the information needed to assess the needs of a child and their family. By sharing information on a multiagency basis, we can ensure the right service for the right child at the right time and for the right duration.

Protecting children is rarely straightforward. It includes considering past and potential harm to the child and their family.



It is important to get any information about past, present and potential safety and strengths of the family.

This information on how a family functions helps to get a more complete picture of the concern about a child. This applies both when issues are first emerging and when an incident of significant harm is identified.

Families themselves, their extended family and support networks will also share important information about a child. Their contribution should always be acknowledged and respected. When you report a concern to Tusla, it is responsible for assessing all such reports of child protection and welfare concerns. If concerns are identified, a detailed analysis of the child and family circumstances takes place. The family will be offered the most appropriate response to meet their identified needs. This may be a community or family-based response, or it may be a child protection response.

professionals with particular responsibilities

There are some people who have more responsibilities under the Children First Act 2015.

Mandated persons

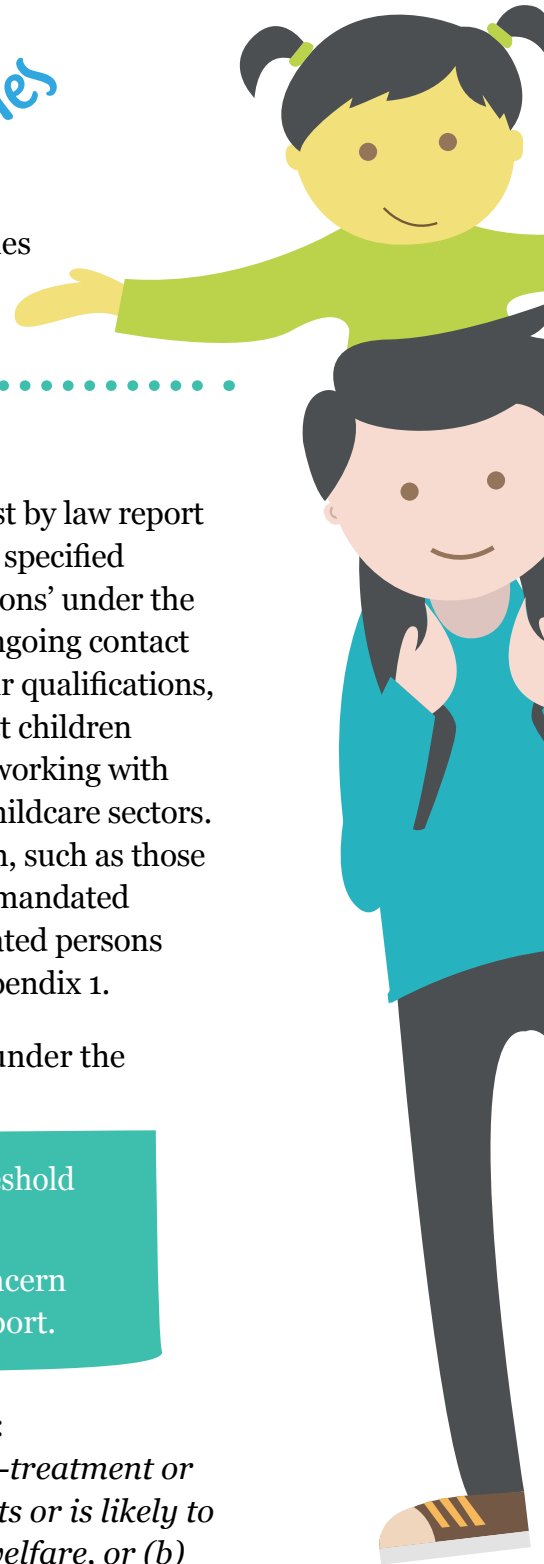
Under the Children First Act 2015, certain people must by law report to Tusla any incidences of harm that meet or exceed a specified threshold. These people are known as ‘mandated persons’ under the legislation. Mandated persons are people who have ongoing contact with children and/or families and who because of their qualifications, training and experience are in a key position to protect children from harm. Mandated persons include professionals working with children in the education, health, justice, youth and childcare sectors. Professionals who may not work directly with children, such as those who work in adult counselling or psychiatry, are also mandated persons. A full list of people who are classed as mandated persons under the Children First Act 2015 can be found at Appendix 1.

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

- ⇒ To report harm of children above a defined threshold to Tusla.
- ⇒ To help Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

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



If, as a mandated person, you are in doubt about whether or not your concern reaches the legal definition of harm for the purpose of making a mandated report, Tusla can advise you. You can find details of who to contact to discuss your concern on the Tusla website: www.tusla.ie.

As a mandated person, you may make a report jointly with another person. For example, you might make a joint referral with your Designated Liaison Person.

Further information on mandated persons is available on www.tusla.ie and in the *Children First: National Guidance*. In addition, Tusla has developed a Mandated Assisting Protocol, which is available on www.tusla.ie.

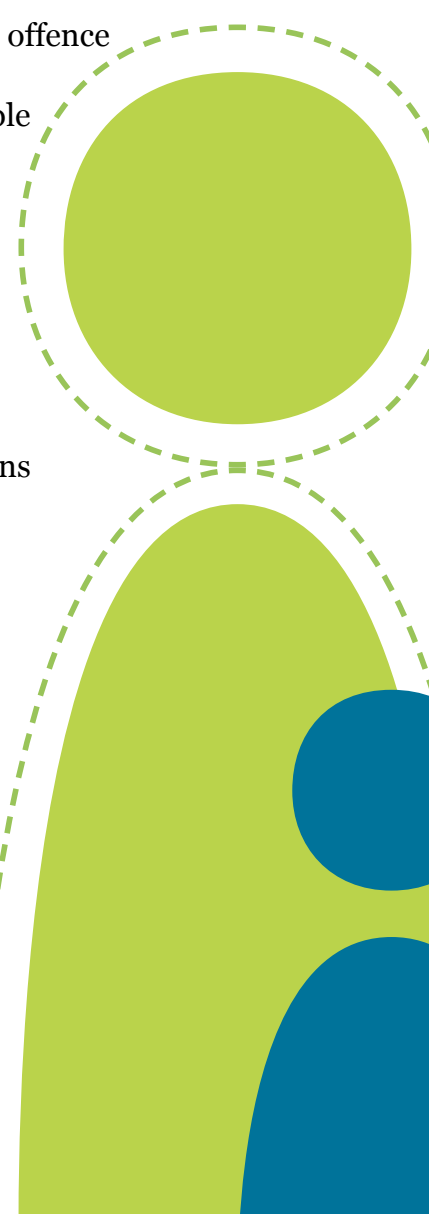
You may also, in some instances, need to report your concern directly to An Garda Síochána. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 may apply. Under this Act, it is a criminal offence to withhold information about a serious offence, 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 is practicable to do so to a member of An Garda Síochána.

Under *Children First: National Guidance*, some organisations may appoint a Designated Liaison Person.



Designated Liaison Person

Most organisations working with children will have a Designated Liaison Person in keeping with best practice in child safeguarding. This person's role is to be a resource for any staff member or volunteer who has a child protection or welfare concern. The Designated Liaison Person should be well-informed about child protection and have received all the necessary training for the role. They will help any person in their organisation who is considering making a report to Tusla and will liaise with outside agencies. For more information on Designated Liaison Persons, visit www.tusla.ie.



Four Steps in Making the Decision to Report a Child Protection or Welfare Concern to Tusla

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If you are concerned about a child, you may need to report it to Tusla. The four steps will guide you through the process of making the decision to report.

Please note that in an emergency situation, where you believe the child is at risk of **immediate harm**, you should contact Tusla **without delay** before making a written report.

Under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm, while waiting for Tusla to intervene. If you think the child is in immediate danger and you cannot contact Tusla, you should contact An Garda Síochána.


In such an emergency situation, if you are a mandated person, you must follow up with a mandated report to Tusla within three days.

Note: In these emergency situations, you do not need to follow the four steps outlined below. Please note that confidentiality should never be used as a reason not to report child abuse.

Tusla National Approach to Practice: The Signs of Safety

Tusla has adopted the Signs of Safety approach as a way of working with children and their families. The Signs of Safety approach is helpful, as it gives a clear and effective way to assess risk and find solutions.

It uses four simple questions to ask when thinking about and working with a family:

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1. What are we worried about?
 2. What's working well?
 3. What needs to happen?
 4. How worried are we on a scale of 1 to 10?

These questions provide a sound and well structured focus for the conversations that take place when we believe children's needs are not being met and something else is needed to improve outcomes for children. The questions below in Step 1 have been developed using the Signs of Safety approach. They provide a focus for your consideration before you contact us. The information you provide can help us to ensure children and families get a timely and appropriate response.

Step 1. – Questions you might ask yourself and the family

- (a) Before making the decision to make a report to Tusla, there are some useful questions **you might ask yourself** if you have concerns about a child.

What am I worried about?

- ⇒ What have I seen or heard that worries me about the child?
- ⇒ If nothing changes, what am I most worried about that will happen to the child?
- ⇒ What are the adults that are caring for the child doing that is bad for or harming the child?
- ⇒ What has been the impact of their behaviour on the child?
- ⇒ What would the child say they are most worried about?

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What is working well?

- ⇒ Who helps or supports the family and child?
- ⇒ How do they help?
- ⇒ Thinking about the problems I am worried about who has helped the child and family deal with this problem in the past?
- ⇒ What do I like about the child/parents?
- ⇒ What would the child say are the best things about their life?

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What needs to happen?

- ⇒ What do I think needs to happen to make the situation better?
- ⇒ Who do I think is best placed to help this family?
- ⇒ What services do I think this family/parent/children need most?

(b) Helpful questions you might ask the family before contacting Tusla.

- ⇒ Is there anyone else supporting you at the moment? Do you mind if I speak to them?
- ⇒ Is there any other support that you feel you need at the moment?
- ⇒ What would you ideally like to see happen next?
- ⇒ Have you told anyone about this before?
- ⇒ Has this happened before?
- ⇒ Do you feel that professionals understand your concerns?

It may not always be appropriate or necessary to ask all of these questions and you should use your professional judgement in each situation. You may not always have all this information about a family. However, you should make the report regardless. If you are concerned about a child but unsure if you should report it to Tusla, you can contact Tusla informally to discuss your concerns. Tusla can provide advice on other services that may be more suitable to meet the needs of the child and/or family. Contact details for Tusla can be found on www.tusla.ie.



Remember that most organisations have a Designated Liaison Person in place. It may help to first discuss your concerns with your Designated Liaison Person.



Retrospective abuse

In cases of retrospective abuse, a report needs to be made where there is a **current or potential future risk** to children from the person against whom there is an allegation. The term retrospective abuse refers to abuse that an adult discloses that took place during their childhood. When attending counselling or being treated for a psychiatric or health problem, adults may disclose that they were abused during their childhood. If you are, for example, a counsellor or a health professional, and you receive a disclosure from a client that they were abused as a child, you must report this information to Tusla. This is because the person against whom there is an allegation may pose a current risk to children.

You may wish to seek guidance from your organisation in discussing your legal obligations with your client. While Tusla will make every effort to examine these cases, it is a very complex area. It involves the accused's rights to their good name, privacy and the right to earn a living, as well as the requirements of natural justice. When the alleged victim can cooperate with Tusla, it can greatly help Tusla to examine the potential future risk to children.

In cases of retrospective abuse, where there are no identified children, you should complete a Retrospective Abuse Form and send it to Tusla. This form can be found on the Tusla website: www.tusla.ie/children-first/publications-and-forms/.

Step 2. – Informing the family! where appropriate

It is usually good practice to tell the family that you are making a report. This means that the family is fully informed about the services they are being referred to and understand what information professionals are passing on and why. However, there are some exceptions to informing the family.

You do not need to tell the family that a report is being made, if:

- ⇒ By doing so, the child will be placed at further risk.
- ⇒ Where the family knowing about the report could affect Tusla's ability to carry out a risk assessment.
- ⇒ You believe that doing so would place you at risk of harm from the family.

Step 3. – When to report a child protection or welfare concern to Tusla

You should always inform Tusla if you have reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.

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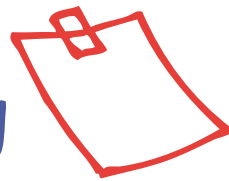
What are reasonable grounds for a child protection or welfare concern?

- ⇒ Evidence that is consistent with abuse and unlikely to have been caused in any other way. This evidence, for example, could be in the form of an injury or behaviour.
- ⇒ 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.

Further information on the definitions and features of abuse can be found in *Children First: National Guidance*.

Some professionals, such as mandated persons, have more responsibilities under the Children First Act 2015. Mandated persons must report past, present or likely future **harm** to a child.

Step 4. – Submitting the report



You can make the report to Tusla in person, by telephone or in writing to the local Child Protection and Welfare Duty Social Work Service in the area where the child lives. Contact details for Tusla Child Protection and Welfare Duty Social Work Services can be found on the Tusla website, www.tusla.ie.

If you make the report verbally, you should follow it up by completing the Child Protection and Welfare Report Form. This can be found on the Tusla website: www.tusla.ie/children-first/publications-and-forms/. Mandated persons must make mandated reports on the Child Protection and Welfare Report Form.





Tusla's Response to Reports

Once Tusla receives a report, its first consideration is always the immediate safety of the child. Tusla checks all reports and information on the day they are received. Emergency action is taken if it is necessary to protect the child. Some reports may not need the intervention of Tusla and can be dealt with through other types of services. A lot of children can be kept safe from harm and have their needs met through this wide range of excellent health, education and social supports. These include pre-schools, schools, youth projects, the Gardaí, public health nurses and local community family support services. Tusla works together with all these services at local level in what are called Child and Family Support Networks.

Screening process

When Tusla receives a report, we 'screen' or review the information to see if the child's needs could be met through these other services. If so, we direct the reporter to these services. Through this screening process, we also consider where children's needs might be more complex but do not need an assessment led by social workers. These children are referred to our early intervention response, which is detailed below.

In cases that do need an assessment, we assign them to a social worker to begin this assessment process. The purpose of the assessment is to gather and analyse information on:


- ⇒ The danger or risks of harm to the child
- ⇒ The factors that are making it harder to keep the child safe
- ⇒ The strengths or safety that are present in the family
- ⇒ The things that need to change for the child and family.

The assessment involves meeting and talking to the child, parents, their extended family network and other relevant professionals. For a child to be kept safe, you must involve all those who are naturally connected to the child through personal or professional relationships.

Response pathways


When the assessment is finished, there are a number of outcomes, which we call our response pathways. In Appendix 2, you can see what happens when a report is received and the full process of screening, initial assessment and the response pathways.

Response Pathway 1: Early Intervention



Some children and families will need more help at times. We know that if this can be provided as early as possible, we can work to stop problems or difficulties getting worse. Tusla works with a range of support services that can help families at this point. Also, Tusla has developed Meitheal. Meitheal is a national practice model designed to ensure that the needs and strengths of children and their families are well identified, understood and responded to quickly. This is so that children and families get the help and support needed to improve children's outcomes and realise their rights. It is an early intervention, multiagency (when necessary) response, suited to the needs of an individual child or young person. The lead practitioner is identified to liaise with the family. They can be any practitioner who is working with the specific child/young person and can be drawn from the statutory or community/voluntary sectors.

Response Pathway 2: Child Welfare



Where children have met the threshold for 'reasonable grounds for concern' under *Children First: National Guidance* but the social work team after an assessment has found the child has not been abused, the team by law must provide a welfare response. From the assessment it should have also been identified that there is a strong willingness, motivation and ability by parents or carers to deal with the harm the child may have experienced. This response and intervention may also involve a number of different agencies but is led by a Tusla social worker or a social care worker. The aim is to develop a plan with the child, their parents, their family network and professional network that helps the family understand and overcome their difficulties and keep the child safe from any future harm or abuse.

Response Pathway 3: Child Protection

Where the child has experienced significant harm believed to be abusive, the child receives a child protection response. In many of these cases, there may be strong evidence that a parent's willingness, motivation and ability are severely limited. Because abuse is suspected, all these matters are referred to the Gardaí in line with *Children First: National Guidance*. If children are believed to have been abused and at ongoing risk of significant harm, a Child Protection Conference must take place. The aim of the Child Protection Conference is to develop a plan with the child, their parents, their family network and professional network that helps the family understand and overcome their difficulties and keep the child safe from any future harm or abuse. If the Child Protection Conference finds that the child is at ongoing risk of significant harm, they are placed on the Child Protection Notification System (CPNS). The CPNS is a national record of every child for whom there are ongoing child protection concerns.



Response Pathway 4: Alternative Care

In some cases, children may need to be placed in care to ensure their immediate or ongoing safety. In such circumstances, we at Tusla will always look to the child's extended family and friends network to provide this care with our support before we consider other care options. We will also work with families and professionals to try and return children to the care of their parents and family as soon as we can be assured that it is safe to do so.





Importance of Record-keeping

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You should record all significant conversations and interactions about your involvement in the lives of children and young people to show that the conversations and interactions took place and the agreed actions to be taken.

The recording should be in keeping with your own organisation's procedure. Tusla keeps records of all interactions with children and their families.

At Tusla, how we assess and investigate suspicions or allegations of child abuse or neglect is influenced by the amount and quality of information we receive from the person or organisation reporting the concerns. Good guidance and record-keeping procedures in your organisation will help your staff to record relevant information in an accessible and practical way. The quality of the information shared with us will greatly influence how we assess and respond to the concern. Your organisation should have a policy on the proportionate sharing of records with Tusla where necessary for the protection or welfare of a child.

points to consider about record-keeping:

- ⇒ Ensure records are factual and include details of contacts, consultations and any actions taken.
- ⇒ Cooperate with Tusla in the sharing of records, where a child protection or welfare issue arises. An example of this could be information needed for a Child Protection Conference or strategy meeting or information important for the assessment of risk to a child.
- ⇒ Store records on child protection concerns, allegations and disclosures securely and safely.
- ⇒ Use records for the purpose for which they are intended only.
- ⇒ Share records on a need-to-know basis only in the best interests of the child or young person.

Feedback to the Reporter

At Tusla, we will acknowledge reports that are made about children and will usually contact the reporter for further information. We always seek to cooperate fully with professional reporters. But at the same time, we have to balance this with the wishes, consent and permission of parents or carers and the child.

We will, where possible, provide feedback to reporters. However, in some cases, to protect the privacy of the child and family, it may not always be possible for us to inform the reporter on the outcome of a Tusla assessment of the child.

Out-of-Hours Service

We operate an out-of-hours social work service, which is available by contacting An Garda Síochána. This service deals with any emergencies that occur outside of office hours. If you have concerns for the immediate safety of a child, you can contact An Garda Síochána in an out-of-hours situation. The out-of-hours service deals with cases that come to the attention of An Garda Síochána, where a child is at immediate risk of harm. Emergency placements can be made when necessary.





Child Protection Training

If your organisation works with children, the organisation is responsible for ensuring that staff and volunteers receive adequate and appropriate child welfare and protection information and training. Your organisation should provide all staff with good-quality information on how to recognise and report child protection and welfare concerns. Training should also include clear information about the role of the statutory agencies with primary responsibility in child protection and welfare, namely Tusla and An Garda Síochána.

Also, organisations with employees who are mandated persons under the Children First Act 2015 must ensure that training specifically in relation to their duties is available to them.

At Tusla, we provide information on the Children First Act 2015 and *Children First: National Guidance*. This includes an e-learning training module that covers recognising and reporting child protection and welfare concerns. This training module is available to everyone, free of charge and can be found on the Tusla website: www.tusla.ie. The training also covers the role of mandated persons, mandated assisting, responsibilities of organisations working with children, and the role of designated liaison persons.

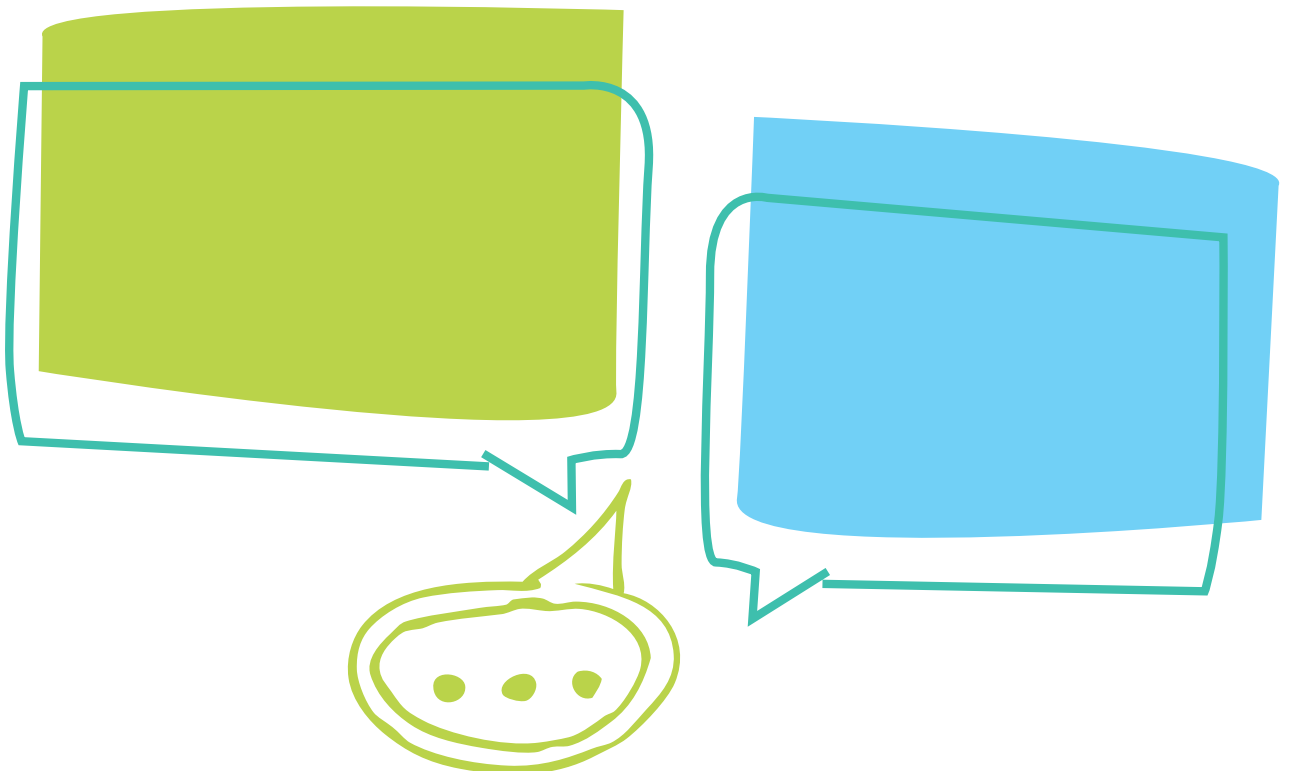
Tusla also employs Children First Information and Advice Officers who can help you with any queries about child protection and welfare training.

Complaints Procedure

Making a Comment, Compliment or Complaint

At Tusla, we want to provide the best possible service. However, there may be times when we could do better and other times when we receive compliments about what we have done well.

We want to be told if you have a comment, compliment or complaint. Our policy for this is called 'Tell Us' and details how to give your feedback and the supports available to you. This policy is available on www.tusla.ie.



Resources

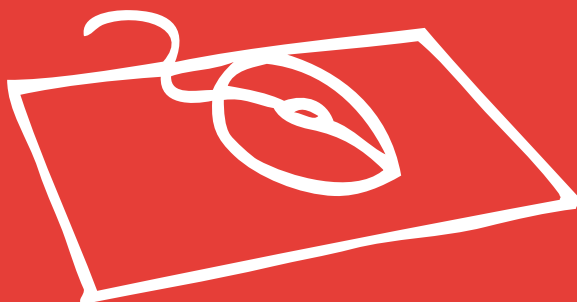
Children First: National Guidance for the Protection and Welfare of Children Department of Children and Youth Affairs

<https://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FChildrenFirst%2FChildrenFirstGuidance.htm&mn=chie3g&nID=2>

Children First Act 2015 <http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf>

Child Protection Conference and the Child Protection Notification System: Information for Professionals (2015) Tusla – Child and Family Agency http://www.tusla.ie/uploads/content/CPNS_Prof_Booklet.pdf

Relevant report forms can be downloaded from the Tusla website – <http://www.tusla.ie/children-first/publications-and-forms/>



Appendices



Appendix 1: List of Mandated Persons

The following classes of persons are specified as mandated persons under Schedule 2 of the Children First Act 2015.

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian *ad litem* appointed in accordance with section 26 of the Child Care Act 1991.

15. Person employed in any of the following capacities:

- (a)** manager of domestic violence shelter;
- (b)** manager of homeless provision or emergency accommodation facility;
- (c)** manager of asylum seeker accommodation (direct provision) centre;
- (d)** addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
- (e)** psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
- (f)** manager of a language school or other recreational school where children reside away from home;
- (g)** member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
- (h)** director of any institution where a child is detained by an order of a court;
- (i)** safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
- (j)** child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
- (k)** person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

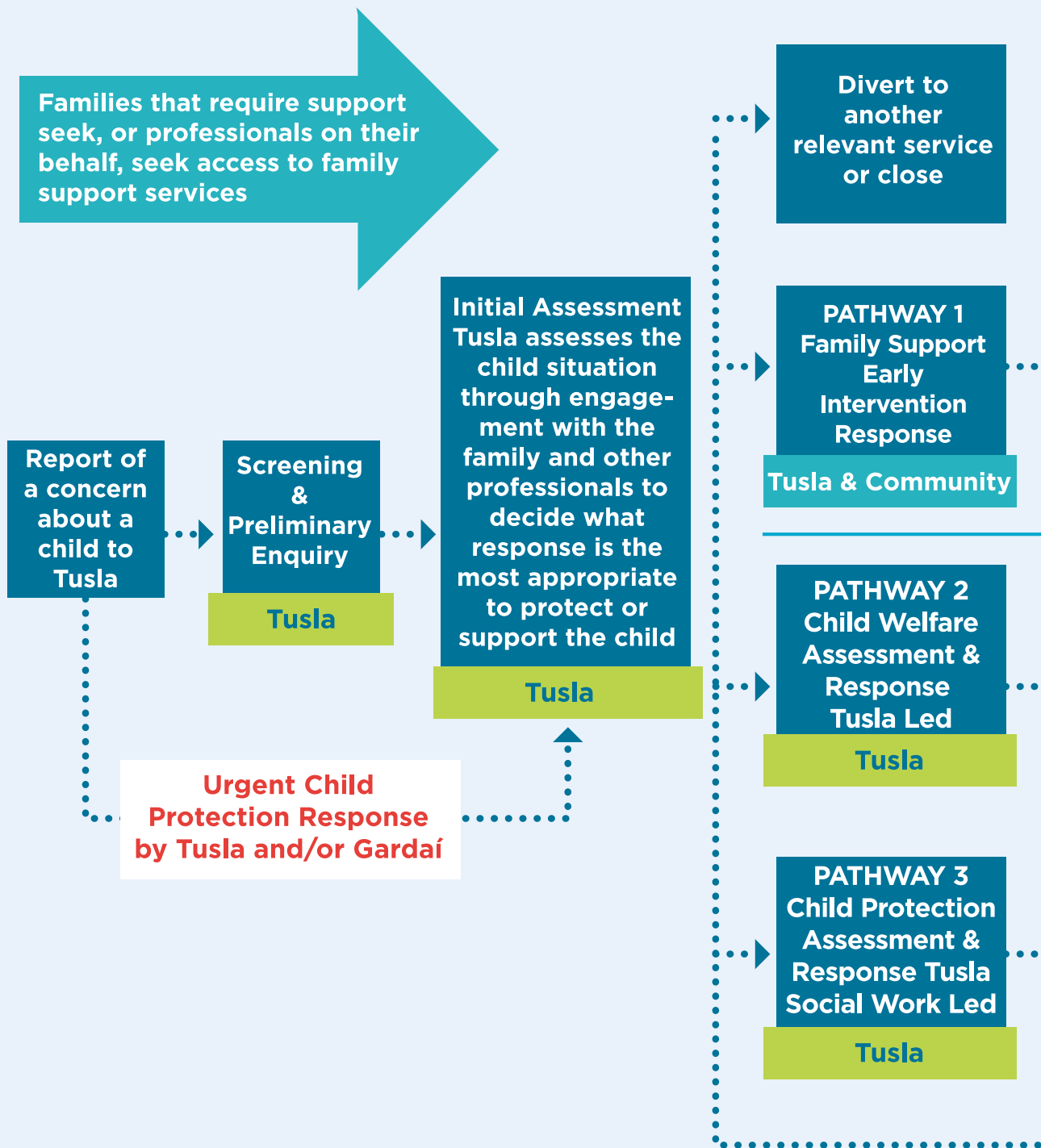
16. Youth worker who—

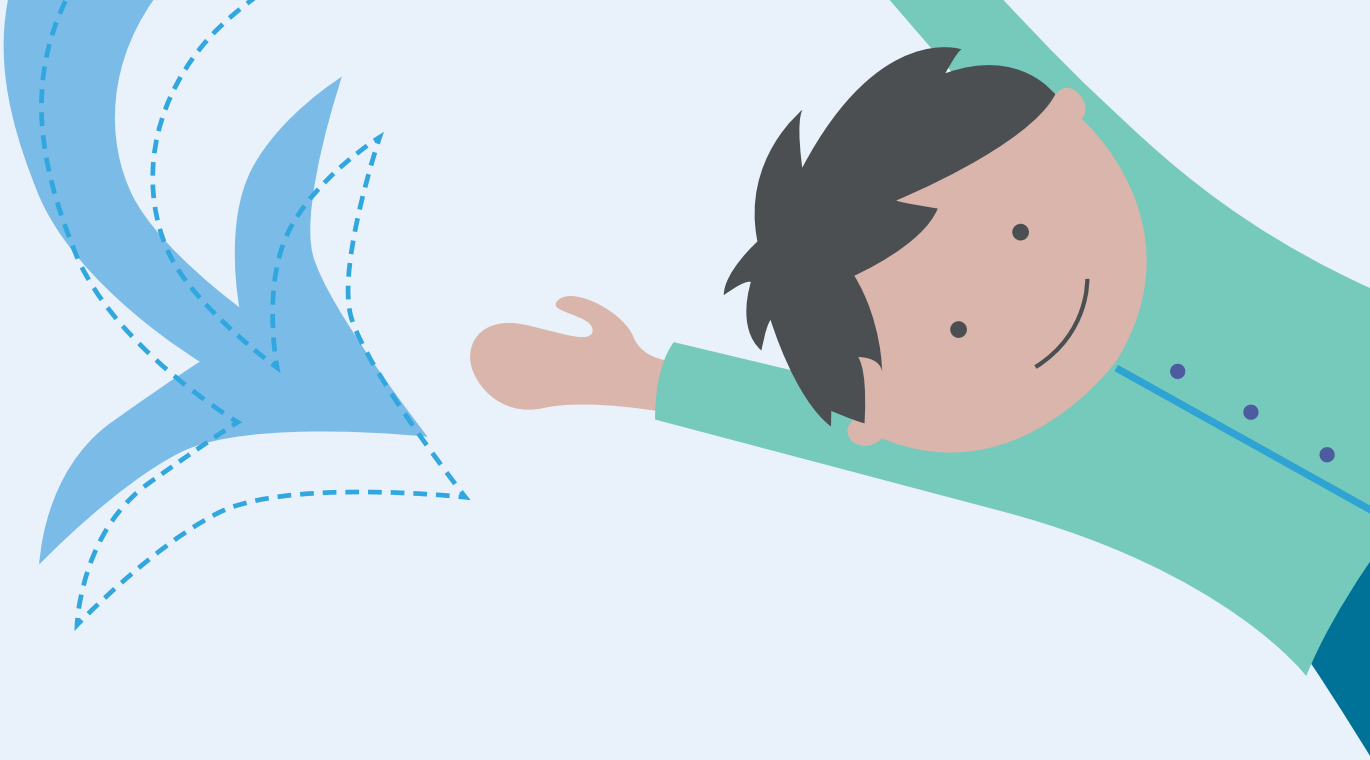
- (a)** holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
- (b)** is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

17. Foster carer registered with the Agency.

18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

Appendix 2: Response Pathways Map





Not Open to Tusla Social Work Services

Intervention coordinated by Tusla or community agencies

Concern that child needs are increasing and reasonable grounds for concern exist

Child and family no longer require Tusla-led intervention

Strategy Meeting CW PLAN/FAMILY SUPPORT PLAN

Open to Tusla Social Work Services

Child Protection Conference CHILD PROTECTION PLAN

PATHWAY 4 ALTERNATIVE CARE
Tusla Led
Tusla

CARE PLAN

Emergency Admission to Care

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