

Child Protection Best Practice Standard

While every care is taken to ensure that this standard accurately reflects current legal obligations, please note that it does not and cannot guarantee to any Centre, and/or any Centre staff member or volunteer, immunity from suit and/or legal liability in civil courts, criminal courts or other tribunal.

1.0 INTRODUCTION

Our Rape Crisis Centre accepts that in all matters concerning child protection, the welfare and protection of the child is paramount. Early intervention may reduce the risk of serious harm occurring to a child at that time or in the future. According to Barnardos, 80% of children are abused by someone known to them – perpetrators are fathers, mothers, male relatives or family friends or those in authority (i.e. teacher, coach, priests, etc.).

This **Child Protection Best Practice Standard** aims to protect children as well as staff and volunteers. It applies information obtained about abuse or risk of abuse in any form including oral, written and electronic. For the purposes of this Standard, a child is a person under the age of 18 who is not now married and has never been married. Also for the purposes of this Standard, a client is defined as any person utilising RCC services.

In addition to other RCC Best Practice Standards referred to in this document, this Best Practice Standard should be read with the latest (2017) edition of the [Children First: Guidance for the Protection and Welfare of Children](#), and the Child Protection and Welfare Practice Handbook. These documents provide additional information on definitions of child abuse and reasonable grounds for concern. Web-links to these and other relevant Department of Children and Youth Affairs and Child and Family Agency (Tusla) documents are included in **APPENDIX 1**.

1.2 RELEVANT LEGISLATION:

1.2.1: Children First Act 2015, which introduced a **statutory duty to report** child protection persons for “**Mandated Persons**” as defined in the Act, and put Children First Guidance on a statutory footing for first time. It also redefined “harm” (see below) and imposed **statutory duties** on providers of services to children to do a risk assessment and also, a Child Safeguarding Statement (see below under Responsibilities of Centre Manager). It also defines “relevant services” and “providers” of relevant services.

1.2.2: Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. See RCNI Best Practice Standard on Withholding of Information and relevant forms for more information. The criteria for reporting under this Act are narrower than under CFA 2015.

1.2.3: National Vetting Bureau (Children and Vulnerable Persons) Act 2012. See RCNI Policy & Procedure on Garda Vetting for more information, or contact RCNI National Vetting Liaison Person Claire Gledhill on admin@rcni.ie, or telephone 01 865 6954. No employee, contractor or volunteer should work with children or otherwise interact with them as part of their role, unless they have been vetted in accordance with this Act.

2. GUIDING PRINCIPLES:

- a. The safety and welfare of children is paramount;
- b. Client confidentiality will always come second to Children First reporting requirements, however such reports will be made only to the appropriate agency/agencies;

- c. The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made;
- d. Reports of concerns should be made without delay to Tusla.

3. DEFINITIONS:

3.1: The Four Forms of Child Abuse described in Children First Guidance 2017 (Chapter 2):

Child abuse generally falls into one or more of four categories. Children who are physically abused and neglected and sexually abused also suffer from emotional abuse.

3.1.1 Neglect

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. It can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, medical care or attachment to and affection from adults. The statutory definition of neglect in Children First Act 2015 is: [to] “deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care”. (For more information see Chapter 2, [Children First: Guidance for the Protection and Welfare of Children.](#))

3.1.2: Emotional Abuse

Emotional abuse is normally found in the relationship between a care-giver (an adult person who has responsibility for a child in the short or long term) and a child rather than in a specific event or pattern of events. It occurs when a child’s needs for affection, approval, consistency and security are not met. It is rarely manifested in terms of physical symptoms. (For more information see Chapter 2, [Children First: Guidance for the Protection and Welfare of Children.](#))

It is also important to note that emotional abuse may take the form of bullying and, in that instance, the perpetrator(s) may be of similar age to the victim.

3.1.3: Physical Abuse

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents. Physical Abuse can involve: (1) severe physical punishment, (2) beating, slapping, hitting or kicking, (3) pushing shaking or throwing, (4) pinching, biting, choking or hair-pulling, (5) terrorising with threats, (6) observing violence directed towards someone else, (7) use of excessive force in handling, (8) deliberate poisoning, (9) suffocation, (10) fabricated or induced illness.(For more information see Chapter 2, [Children First: Guidance for the Protection and Welfare of Children.](#))

Note that under Children First Act 2015, it is no longer possible for anyone who carries out corporal punishment on a child to defend themselves by saying that it was (only) “reasonable chastisement”. This is now regarded as an **assault** in our criminal law.

3.1.4: Sexual Abuse

Sexual abuse occurs when a child is used by another person for their gratification or sexual arousal, or for that of others. Examples of sexual abuse include: (1) exposing sexual organs or intentionally performing any sexual act in the presence of a child, (2) intentional touching or molesting the body of a child, by a person or object, for the purpose of sexual arousal or gratification, (3) masturbating in

the presence of a child or involving the child in the act of masturbation, (4) engaging in sexual intercourse with the child, whether oral, vaginal or anal, (5) sexually exploiting a child, or (6) other sexual activity between an adult and a child under 17 years, **in certain circumstances**. (For more information see Chapter 2, [Children First: Guidance for the Protection and Welfare of Children](#).) All of these activities are criminal offences.

The Children First Act 2015 definition of sexual abuse is an act which is an offence under Schedule 3 of that Act, in addition to “wilful exposure” of the child to pornography, or “wilful sexual activity in the presence of the child”. “Wilful” in this context means “deliberate and conscious”.

3.2: “Harm”:

“Harm” is now defined in the Children First Act 2015 as:

- (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

3.3: “Relevant Service” for risk assessment and child safeguarding statement purposes, covers Rape Crisis Centres under two headings in Schedule 1 of the Children First Act 2015, paragraph 4: “Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child”, and paragraph 5: “Any work or activity which consists of the provision of (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children...”

3.4: “Provider” under the Children First Act 2015, means a person or organisation who provides a relevant service to children, whether directly or through employees and/or contractors and/or volunteers. Rape Crisis Centre Managers, assisted by their Board, carry out the duties of the Provider.

4. THRESHOLDS for MANDATORY REPORTING as a STATUTORY DUTY under CFA 2015: (Tusla)

4.1: Neglect: 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.

4.2: Emotional Abuse: 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.

4.3: Physical Abuse: 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.

4.4: Sexual Abuse: If, 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. **There is no level of sexual abuse too low not to be reported.**

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, in addition to either “wilful exposure” of the child to pornography, or “wilful sexual activity in the presence of the child”. “Wilful” in this context means “deliberate and conscious”.

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:

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:

S 14 (3) of Children First Act 2015 is a full statement of this *statutory exception*.

If a report is received that two young people are engaging in consensual sexual activity, they are both over 15, there is nothing to suggest that one person is intimidating or exploiting the other, there is no more than two years difference in age between them, there is “no material difference in capacity or maturity” between them, neither young person has already reported that they have been harmed, are being harmed, or are at risk of being harmed through this relationship, **and** the young person has told the Mandated Person of their view that this activity should not be reported to Tusla and the Mandated Person relied on that view, this is the one situation in which it is not necessary to make a Report of child protection concerns.

5. REASONABLE GROUNDS FOR CONCERN/”TO SUSPECT”:

The following examples would constitute reasonable grounds for concern or to suspect one or more forms of abuse:

- Specific indication from a child that she/he is or was being abused.
- Admission or indication by someone of an abuse against a child.
- An account by a person who saw the child being abused.
- Evidence, such as an injury or behaviour that is consistent with abuse and unlikely to be caused another way.
- An injury or behaviour that is consistent both with abuse and with another explanation, but where there are indicators supporting the concern that it may be a case of abuse.
- Consistent indications over a period of time that a child is suffering from emotional or physical neglect.
- Any concern about possible sexual abuse (For more information, see Chapter 2, Children First: Guidance for the Protection and Welfare of Children.)

6. RESPONSIBILITIES

Child protection issues generally arise in one of three ways for Rape Crisis Centres. The first is when a survivor discloses historical abuse and there are now, or may be, children at risk from the same

perpetrator. The second is when an adult survivor discloses information identifying a child who is, or may be, currently at risk. The third is when a survivor under the age of 18 discloses abuse.

Any person who knows, believes or has reasonable grounds for concern that a child has been abused, is being abused, or is at risk of abuse, has a responsibility and a duty of care to report their concerns to Tusla, either directly or through the Designated Liaison Person.

However, only Mandated Persons have a *statutory duty* to report. Designated Liaison Persons are also Mandated Persons.

Note also that reporting obligations under Children First Act 2015 are **in addition to** any reporting obligations which may arise under the Criminal Justice (Withholding of Information) Act 2012.

The Protection for Persons Reporting Child Abuse Act, 1998 provides immunity from civil liability to people who report child abuse ‘reasonably and in good faith’ to a Designated Liaison Person, Tusla or the Gardaí. (For more information see Chapters 2 and 3, [Children First: Guidance for the Protection and Welfare of Children](#).)

Different individual staff members and volunteers have different responsibilities in relation to the reporting of child abuse.

In addition, since Children First Act 2015 came fully into force in December 2017, certain persons **are Mandated Persons** who have a **statutory duty** to report concerns about child abuse to Tusla, by virtue of their role or profession, on a **mandated report form**. (See *Appendix 1 for web-links to all forms and guidance notes*).

Note: the list of Mandated Persons includes anyone who is a Designated Liaison Person, Child Protection Officer, or similar role within any organisation. A full list of Mandated Persons’ professions or roles can be found in Schedule 2 to the **Children First Act 2015**

6.1 Mandated Person(s)

All our counsellors, any psychologist(s), and our Designated Liaison Person (see next Section) are **Mandated Persons**. Under the Children First Act 2015, you as a Mandated Person must:

- Report any **knowledge or belief about actual or possible harm to a child, or suspicions about such harm for which there are reasonable grounds**, to Tusla on the appropriate **Mandated Report Form** (see Appendix 1 for web-link), OR through the Tusla Web Portal (See www.tusla.ie for more details), having read the relevant Guidance Note from Tusla (see Appendix 1 for web-link). You have a **statutory duty** to do this as a Mandated Person;
- Always refer to the **thresholds set out above** when assessing whether “harm” has been done, is being done now, or there is now a risk of it being done to a child;
- Even if the threshold for harm is not reached, consider making a report if you feel there are **reasonable grounds** for making a report (but there is no statutory duty to do this);
- If the child is at **immediate risk of harm**, make the report by telephone. The Mandated Report Form may be filled in and forwarded up to 3 days later.
- Note that there is now an **out of hours Duty Social Worker** helpline number, this should be tried first if the report must be made out of hours – it is 0818 776 315 between 6pm and 6am every night and between 9am and 5pm on Saturdays, Sundays and bank holidays;

- If the child is at **immediate risk of harm and there is no Duty Social Worker available to receive a report by telephone**, you should make a report without delay to An Garda Síochána;
- Make the report to the Duty Social Worker in the area in which the abuse is alleged to have occurred. If no geographic information is available, the Duty Social Worker closest to our RCC will be informed;
- If you wish and it is appropriate, make the report **jointly** with a non-mandated person, or jointly with the Designated Liaison Person, if you are not already the DLP for the Centre;
- However, you as a Mandated Person do not have to make a report, **if and only if** the only source of your knowledge, belief or reasonable grounds for suspicion is information you have got from **either** another Mandated Person **or** another person reporting jointly with a Mandated Person, **or** you are assisting Tusla with an assessment of harm following a child protection report already made;
- As a Mandated Person, you should ensure that **you inform the child’s parents or guardian** if a report is being made to Tusla, unless by so doing 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;
- Note that as a Mandated Person, you do **not** need to inform the family if you reasonably believe that by doing so you may place yourself at risk of harm from the family. (adapted from Chapter 3, Children First 2017);
- Where as a Mandated Person, you are unsure whether reasonable grounds for concern exist in a particular case, you should consult informally with Tusla, normally the Duty Social Worker, stating clearly that you are not making a formal report in that case, but seeking advice. Record the advice and act on it;
- Facilitate any follow-up action that is required. In this regard, **note that** Mandated Persons now have a **statutory duty** to assist Tusla with any assessment of harm undertaken in response to a report made, and that includes providing Tusla with “such information and assistance as it may reasonably require and is, [in Tusla’s view], necessary and proportionate in all of the circumstances of the case”.
- Provide such “information and assistance” as soon as practicable on foot of a request from Tusla;
- Advise members of staff, including the Designated Liaison Person (DLP) and the Centre Manager, about follow-up and eventual outcomes in individual cases as appropriate.
- When a decision is made not to report concerns to Tusla or An Garda Síochána as appropriate, you must make a clear written statement of the reasons why action was not taken in this case.
- Maintain proper records on all cases referred to them in a secure, confidential location **separate from other client files**.
- Keep up to date on current developments regarding provision, practice, and legal obligations.
- Inform the Centre Manager of relevant child protection issues as they arise.

Retrospective Disclosures by Adult Survivors of Historic Child Abuse:

- **if the abuser is identifiable but no child or children is/are**, you as a Mandated Person should make a report on the appropriate Retrospective Allegations Report Form (RARF) Report Form to Tusla, explaining that no-one who is now a child has been identified¹;

¹ This is the safest course, pending clarification from Tusla on whether judgement should be exercised or not by MPs as to the presence or absence of “current risk” on receipt of a retrospective disclosure in these circumstances. The available official documents appear to contradict each other on this point:(Children First Guidance 2017 and Child Safeguarding: Guide to Policy, Procedure and Practice).

- **If the abuser is identifiable and a child or children is/are also, who has been, is being, or is at risk of being, harmed:** You as a Mandated Person should make a report on the appropriate Retrospective Allegations Report Form (RARF) Report Form to Tusla, including the identifying information which you have about abuser and the child/ren; this is a **statutory duty** under Children First Act 2015;
- **If the abuser is not identifiable and no child or children is/are either:** there is no need to make a report as there is nothing to be investigated, but you should record the reasons why a report was not made;
- **If you are unsure whether a report of retrospective abuse should be made,** you should consult informally with Tusla, normally the Duty Social Worker, stating clearly that you are not making a formal report in that case, but seeking advice. Record the advice and act on it.

5.2 Designated Liaison Person

We will appoint one staff member as the **Designated Liaison Person (DLP)**. That staff member is: _____ . When the Designated Liaison Person is away, _____ is the Backup Designated Liaison Person.

You as the Designated Liaison Person, or Backup Designated Liaison Person in the Designated Liaison Person's absence, have the following responsibilities to:

- Report any **knowledge or belief about actual or possible harm to a child, or suspicions about such harm for which there are reasonable grounds**, to Tusla on the appropriate **Mandated Report Form** (see Appendix 1 for web-link), OR through the Tusla Web Portal (See www.tusla.ie for more details), having read the relevant Guidance Note from Tusla (see Appendix 1 for web-link). You have a **statutory duty** to do this as a Mandated Person;
- Always refer to the **thresholds set out above** when assessing whether "harm" has been done, is being done now, or there is now a risk of it being done to a child;
- Even if the threshold for harm is not reached, consider making a report if you feel there are **reasonable grounds** for making a report (but there is no statutory duty to do this);
- If the child is at **immediate risk of harm**, make the report by telephone. The Mandated Report Form may be filled in and forwarded up to 3 days later.
- Note that there is now an **out of hours Duty Social Worker** helpline number, you should try this first if the report must be made out of hours – it is 0818 776 315 between 6pm and 6am every night and between 9am and 5pm on Saturdays, Sundays and bank holidays;
- If the child is at **immediate risk of harm and there is no Duty Social Worker available to receive a report by telephone**, you should make a report without delay to An Garda Síochána;
- You should make the report to the Duty Social Worker in the area in which the abuse is alleged to have occurred. If no geographic information is available, you should inform the Duty Social Worker closest to our RCC.
- This report may be made jointly with another Mandated Person who is not also a DLP, if you so wish and it is appropriate to do so;
- Make a report, **unless** the only source of your knowledge, belief or reasonable grounds for suspicion is information you have got from **either** another Mandated Person **or** another person reporting jointly with a Mandated Person, **or** you are assisting Tusla with an assessment of harm following a child protection report already made;
- For you as a DLP, it is good practice generally to inform the child's parents or guardian if a report is being made to Tusla, unless by so doing 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 as a DLP do not need to inform the family if you reasonably believe that by so doing you may place yourself at risk of harm from the family (adapted from Chapter 3, Children First 2017).
- Where you are unsure whether reasonable grounds for concern exist in a particular case, you should consult informally with Tusla, normally the Duty Social Worker, stating clearly that you are not making a formal report in that case, but seeking advice. Record advice and act on it.
- Facilitate any follow-up action that is required. In this regard, **note that** DLPs as Mandated Persons now have a **statutory duty** to assist Tusla with any assessment of harm undertaken in response to a report made, and that includes providing Tusla with “such information and assistance as it may reasonably require and is, [in Tusla’s view], necessary and proportionate in all of the circumstances of the case”.
- Provide such “information and assistance” as soon as practicable on foot of a request from Tusla;
- Advise members of staff about follow-up and eventual outcomes in individual cases as appropriate;
- Whenever you decide not to report concerns to Tusla or An Garda Síochána as appropriate, give the staff member or volunteer a clear written statement of the reasons why action was not taken in this case.
- Also advise that staff member or volunteer that if she/he remains concerned about a particular child, she/he is free to make a report directly to Tusla or An Garda Síochána as appropriate. (For more information see Chapter 2, Children First 2017).
- Maintain proper records on all cases referred to them in a secure, confidential location separate from other client files.
- Keep up to date on current developments regarding provision, practice, and legal obligations.
- Inform the Centre Manager of relevant child protection issues as they arise.
- Create and maintain links with Tusla and other relevant agencies and resource groups.
- Advise the Centre Manager and all other staff members and volunteers, on best practice.

Retrospective Disclosures by Adult Survivors of Historic Child Abuse:

- **if the abuser is identifiable but no child or children is/are**, you as a DLP should make a report on the appropriate Retrospective Allegations Report Form (RARF) Report Form to Tusla, explaining that no-one who is now a child has been identified²;
- **If the abuser is identifiable and a child or children is/are also, who has been, is being, or is at risk of being, harmed:** You as a DLP should make a report on the appropriate Retrospective Allegations Report Form (RARF) Report Form to Tusla, including the identifying information which you have about abuser and the child/ren; this is a **statutory duty** under Children First Act 2015;
- **If the abuser is not identifiable and no child or children is/are either:** there is no need to make a report as there is nothing to be investigated, but you should record the reasons why a report was not made;
- **If you are unsure whether a report of retrospective abuse should be made,** you should consult informally with Tusla, normally the Duty Social Worker, stating clearly that you are not making a formal report in that case, but seeking advice. Record the advice and act on it.

² This is the safest course, pending clarification from Tusla on whether judgement should be exercised or not by MPs as to the presence or absence of “current risk” on receipt of a retrospective disclosure in these circumstances. The available official documents appear to contradict each other on this point:(Children First Guidance 2017 and Child Safeguarding: Guide to Policy, Procedure and Practice).

6.3 Centre Manager will:

Generally -

- Organise and/or facilitate training and workshops for staff and volunteers on their Children First: Guidance for the Protection and Welfare of Children responsibilities.
- Ensure that this Child Protection Best Practice Standard and procedures are followed.
- Ensure that this Child Protection Best Practice Standard is reviewed annually.
- Ensure that any feedback on the Standard is communicated to the RCNI so that Centre experience and expertise can inform the updating of the Standard.

With regard to Risk Assessments and Child Safeguarding Statements obligations under Children First Act 2015 -

- ensure that a risk assessment covering all possible forms of harm which could befall a child who is in contact with the Centre and/or receiving services from it, other than those relating to Health and Safety, is done and incorporated into a Child Safeguarding Statement (CSS);
- ensure that the CSS covers everything listed in the relevant Section 11 of Children First Act 2015 (the RCNI template for Rape Crisis Centre CSS does this);
- appoint a “relevant person” whose name is.....to be the first point of contact for information about the CSS;
- ensure that the CSS is completed and distributed to all staff and volunteers in the Centre;
- ensure that the CSS is on public display and that a copy is made available on request to anyone who requests one, including a parent or guardian of a child attending the Centre;
- ensure that a copy of the CSS is provided to Tusla on request and without undue delay;
- ensure that the CSS is reviewed and if necessary, updated, at least every two years;
- address any **non-compliance issues** as they arise (See Children First Act 2015 and Tusla information on Child Safeguarding Statements for more details)

With regard to statutory obligations on prescribed organisations (which include rape crisis centres) under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012:

- Ensure that the RCNI Best Practice Standard on Withholding of Information is followed in all respects by all members of staff and volunteers who are in contact with children and young people;

With regard to the Centre’s responsibilities as an employer and supervisor under the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and recruitment generally:

- Ensure that all members of staff and volunteers, other than those who are not in contact with children or vulnerable persons as part of their work, are vetted in accordance with the Act and in accordance with the RCNI Policy & Procedure on Garda Vetting;
- Take the utmost care through vetting procedures, and through thorough interviewing, checking of references and qualifications and so on, in line with the Employment Handbook/Recruitment Policy, to ensure that only suitably qualified persons of good character are recruited as employees, contractors, or volunteers in roles in which they have access to, or are in contact with, children as part of their work;

With regard to the Centre's responsibilities as an employer and supervisor whose employee, contractor or volunteer is accused of causing harm to a child attending or otherwise in contact with, the Centre:

- Take prompt action to minimise the risk of harm to any child attending or otherwise in contact with the Centre, in line with the Employment Handbook and Volunteer Handbook.
- Take prompt action to address any child protection concerns reported in relation to any staff member, contractor or volunteer of the Centre, in line with the Employment Handbook and Volunteer Handbook and also, in line with both the Children First Act 2015 and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012). See also under Section 9 below.

6.4 All Staff and Volunteers, other than Mandated Persons, Centre Manager and Designated Liaison Person(s):

- Note that only Mandated Persons (which includes DLPs) have a **statutory duty** to report reasonable grounds for concern that a child has been, is being, or is at risk of being harmed, once they are satisfied that the threshold for reporting has been reached (see above).
- However, all Staff and Volunteers including Mandated Persons **must also** report all reasonable grounds for concern that a child has been, is being, or is at risk of being harmed, to their Designated Liaison Person, **even if in their view, they do not reach the threshold for mandatory reporting.**
- At the first available and appropriate opportunity clearly explain to all clients before any service is offered to them by our RCC (other than in a crisis) the limits of client confidentiality under Children First.
- Get the client to sign a form indicating that she/he understands the limits of the confidentiality. If the client is under the age of 18 and has not been determined to be Gillick competent, the parent, guardian or social worker must also sign the form.
- **Please refer to the [Best Practice Standard for Working with Teenagers](#), the [Consent for Working with Teenagers Form](#) and the [Client Consent Form](#)**
- **When a child discloses abuse:**
 - Do not promise to keep the disclosure confidential.
 - Explain and ensure that the child understands what will happen next.
 - Try to ensure in so far as is possible that no situation arises that could cause any further risk to the child.
 - Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors and note any visible marks on the individual making the report or any signs you observed. Sign and date the record, clearly indicating the time the disclosure was made and the time the record was written.
 - Ensure that this information is restricted to those who need to know it.
 - Pass the information on to the Designated Liaison Person immediately.
 - Do not investigate any allegations.
- **When a staff member or volunteer suspects that a child is being abused:**

- Try to ensure in so far as is possible that no situation arises that could cause any further risk to the child.
 - Refer to Chapter 2 (Reporting) of the Children First National Guidance (2017) for more information.
 - Record the facts as you know them. Include the child's name, address, nature of the concern, allegation or disclosure and, where possible, information about a parent or guardian and anything else of relevance.
 - If in current contact with the child, explain and ensure that the child understands what will happen next.
 - Give this record to the Designated Liaison Person immediately.
 - Do not investigate any allegations.
- **When an adult discloses historic abuse:**
 - Explain that a report may have to be made to Tusla in case there is a "current risk" to a child;
 - Do not promise to keep any information confidential;
 - Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors.
 - Sign and date the record and clearly indicate the time the disclosure was made and the time the record was written;
 - If you are not a Mandated Person or DLP, give this record to the Designated Liaison Person without delay;
 - If you are a Mandated Person and the abuser is identifiable **and a child who has been harmed, is being harmed, or is at risk of harm is also identifiable**, you should make a Report on the appropriate Retrospective Abuse Report Form (RARF) (See Appendix 1 for web-link);
 - If the abuser is identifiable **but no child who has been harmed, is being harmed, or is at risk of harm is also identifiable**, and you are a Mandated Person, you should also make a Report on the appropriate Retrospective Abuse Report Form (RARF);
 - If neither the abuser nor any child at risk of harm is identifiable, you do not have to make a report, but you should record your reasons for not doing so.
 - Explain and ensure that the adult understands what will happen next.
 - Ensure that this information is restricted to those who need to know it.
 - **When an adult discloses child abuse or suspicions of child abuse:**
 - If suspicions are being disclosed, try to establish the basis of the suspicions.
 - Explain that a report may have to be made to Tusla in case there is a "current risk" to a child;
 - Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors and note any visible marks on the individual making the report or any signs you observed. Sign and date the record and clearly indicate the time the disclosure was made and the time the record was written.
 - Do not promise to keep the disclosure confidential.
 - Explain and ensure that the adult understands what will happen next.
 - Ensure that this information is restricted to those who need to know it.
 - Pass the information on to the Designated Liaison Person immediately.

- Please note that with regard to anonymous reporting, “While Tusla cannot guarantee confidentiality, in general it will not reveal the names of members of the public who report suspected child abuse without their permission”. (See Chapter 3, Children First Guidance)
- If it is not possible to contact the Designated Liaison Person, contact the Backup Designated Liaison Person. If that is not possible either, contact the Centre Manager (unless the Centre Manager is the Designated Liaison Person). If none of this is possible, contact Tusla Duty Social Worker directly, see Appendix 1 for contact details.
- If it is not possible to contact either the appropriate RCC staff member or Tusla Duty Social Worker and there is an immediate risk to a child, the staff member should contact An Garda Síochána. Under no circumstances should a child be left in a situation that exposes her or him to harm or to risk of harm pending Tusla’s intervention.

If a staff member or volunteer does not agree with the outcome of a formal report to Tusla:

- Discuss with the Designated Liaison Person
- Make a clear record on the child’s file about your concerns
- Put concerns formally in writing to Tusla, outlining why you do not agree with the decided course of action

7. EDUCATION, TRAINING and OUTREACH PROGRAMMES

- When our RCC provides or facilitates a training, education or outreach programme in a 2nd level institution, a 3rd level institution or any youth institution or group when children are likely to be present we will:
- Ascertain who is the Designated Liaison Person for the institution or group, prior to any agreement to provide or facilitate services. All of our concerns and reporting will go through this Designated Liaison Person **whether or not** we must also make a report because we are Mandated Persons.
- Explain to all participants the limitations of confidentiality as a requirement of Children First.
- Where it is feasible, inform another colleague that an individual staff member or volunteer will be alone in the room with a particular child.
- If any child discloses abuse we will: Not promise to keep the disclosure confidential.
- Explain and ensure that the child understands what will happen next.
- Try to ensure in so far as is possible that no situation arises that could cause any further risk to the child.
- Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors and note any visible marks on the individual making the report or any signs you observed. Sign and date the record, clearly indicating the time the disclosure was made and the time the record was written.
- Ensure that this information is restricted to those who need to know it.
- Pass the information on to the Designated Liaison Person for the institution or group immediately.
- Not investigate any allegations.

If an adult discloses historic abuse, any member of staff or volunteer will:

- Explain that a report may have to be made to Tusla in case there is a “current risk” to a child;
- Not promise to keep any information confidential;

- Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors.
- Sign and date the record and clearly indicate the time the disclosure was made and the time the record was written;
- If not themselves either a Mandated Person or DLP, give this record to the Designated Liaison Person without delay;
- If s/he is Mandated Person and the abuser is identifiable **and a child who has been harmed, is being harmed, or is at risk of harm is also identifiable**, s/he will make a Report on the appropriate Retrospective Abuse Report Form (RARF) (See Appendix 1 for web-link);
- If the abuser is identifiable **but no child who has been harmed, is being harmed, or is at risk of harm is also identifiable**, and s/he is a Mandated Person, s/he will also make a Report on the appropriate Retrospective Abuse Report Form (RARF);
- If neither the abuser nor any child at risk of harm is identifiable, s/he does not have to make a report, but should record their reasons for not doing so.
- Explain and ensure that the adult understands what will happen next.
- Ensure that this information is restricted to those who need to know it.

When a RCC staff member or volunteer suspects that a child is being abused we will:

- Try to ensure in so far as is possible that no situation arises that could cause any further risk to the child.
- Record the facts as we know them. Include the child's name, address, nature of the concern, allegation or disclosure and, where possible, information about a parent or guardian and anything else of relevance.
- Explain and ensure that the child understands what will happen next, if in current contact with the child.
- Give this record to the Designated Liaison Person for the institution or group immediately and if we are ourselves a Mandated Person, we will make an independent report to Tusla;
- Not investigate any allegations.

8. PUBLIC AWARENESS EVENTS

When our RCC engages in any public awareness events and:

- **If a child attending the event discloses abuse, we will:**
- Not promise to keep the disclosure confidential.
- Explain and ensure that the child understands what will happen next.
- Try to ensure in so far as is possible that no situation arises that could cause any further risk to the child.
- Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors and note any visible marks on the individual making the report or any signs you observed. Sign and date the record, clearly indicating the time the disclosure was made and the time the record was written.
- Ensure that this information is restricted to those who need to know it.
- Pass the information on to the Designated Liaison Person for our RCC immediately.
- If we are ourselves a Mandated Person, we will make an independent report to Tusla
- Not investigate any allegations.

- **A staff member or volunteer suspects that a child attending the event is being abused, we will:**
- Try to ensure in so far as is possible that no situation arises that could cause any further risk to the child.
- Record the facts as you know them. Include the child's name, address, nature of the concern, allegation or disclosure and, where possible, information about a parent or guardian and anything else of relevance.
- If in current contact with the child, explain and ensure that the child understands what will happen next.
- Give this record to the Designated Liaison Person for our RCC immediately.
- Not investigate any allegations.

- **If an adult discloses historic abuse, we will:**
- Explain that a report may have to be made to Tusla in case there is a "current risk" to a child;
- Not promise to keep the disclosure confidential.
- Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors. Sign and date the record and clearly indicate the time the disclosure was made and the time the record was written.
- If we are a Mandated Person (including a DLP) **and the abuser is identifiable**, (whether or not any child who has been harmed, is being harmed, or is at risk of harm, is identifiable) we will make an independent report on the appropriate Mandated Report Form;
- If we are not a Mandated Person **and the abuser is identifiable**, (whether or not any child who has been harmed, is being harmed, or is at risk of harm, is identifiable), we will pass on the information we have to the Designated Liaison Person for our RCC without delay;
- The details of the abuse are only to be shared to the extent necessary to indicate what a child currently is or may be at risk.
- Explain and ensure that the adult understands what will happen next, if we are currently in contact with the adult.
- Ensure that this information is restricted to those who need to know it.

- **If an adult or child attending the event discloses child abuse or suspicions of child abuse, we will:**
- If suspicions are being disclosed, try to establish the basis of the suspicions.
- Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors and note any visible marks on the individual making the report or any signs you observed.
- Sign and date the record and clearly indicate the time the disclosure was made and the time the record was written.
- Do not promise to keep the disclosure confidential.
- Explain and ensure that the adult or child understands what will happen next.
- Ensure that this information is restricted to those who need to know it.
- Pass the information on to the Designated Liaison Person for our RCC immediately.
- Note Children First: National Guidance on the Protection and Welfare on Children 2017) says in relation to anonymous reporting: "While Tusla cannot guarantee confidentiality, in general

it will not reveal the names of members of the public who report suspected child abuse without their permission” (Chapter 3).

9. ALLEGATIONS AGAINST STAFF MEMBERS AND VOLUNTEERS

- The Centre Manager and the Designated Liaison Person (unless the allegation is being made against them) will be informed as soon as possible.
- If the allegation is being made against the Centre Manager, the Chairperson of the Board of Directors will be informed.
- If the allegation is being made against the Designated Liaison Person, only the Centre Manager will be informed.
- The Manager will take any necessary immediate action.
- The follow up on an allegation of abuse against a staff member or volunteer or volunteer will be made in consultation with Tusla and An Garda Síochána.
- The Manager will ensure that actions taken do not undermine or frustrate any investigations being conducted by Tusla or An Garda Síochána.
- The Employment Handbook and the Volunteer Handbook provide guidance on disciplinary procedures, which must be undertaken as soon as practicable.

Signed

Date

APPENDIX 1 – Children First: Selected Documents and Forms

Link to Child and Family Agency (Tusla) Duty Social Workers: <http://www.tusla.ie/services/child-protection-welfare/contact-a-social-worker>

Link to Tusla website page: Children First Publications and Forms

<http://www.tusla.ie/children-first/publications-and-forms>

Link to Tusla Mandated Reporting Form: (Child Protection and Welfare Report Form to be used in cases of recent abuse)

http://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf

Guidance Notes on filling in Child Protection and Welfare Report Form:

http://www.tusla.ie/uploads/content/CPWRF_Guidance_Note_FINAL.pdf

Link to Tusla Mandated Reporting Form: Retrospective Abuse Report form to be used when adult reports historic child abuse)

http://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf

Guidance Notes on filling in Retrospective Abuse Report Form:

http://www.tusla.ie/uploads/content/RARF_Guidance_Note_FINAL.pdf

Children First Guidance 2017:

<https://www.dcy.gov.ie/documents/publications/20171002ChildrenFirst2017.pdf>

Child Protection and Welfare Practice Handbook:

http://www.tusla.ie/uploads/content/CF_WelfarePracticehandbook.pdf

A Guide for the Reporting of Child Protection and Welfare Concerns

http://www.tusla.ie/uploads/content/4214-TUSLA_Guide_to_Reporters_Guide_A4_v3.pdf

Link to Children First e-learning module: <http://www.tusla.ie/children-first/children-first-e-learning-programme>

Tusla – Child Safeguarding – A Guide for Policy, Procedure and Practice

http://www.tusla.ie/uploads/content/Tusla_-_Child_Safeguarding_-_A_Guide_for_Policy,_Procedure_and_Practice.pdf

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

Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012: <http://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html>

National Vetting Bureau (Children and Vulnerable Persons) Act 2012:

<http://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html>

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