



Child Protection Procedures

Version

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Statement of Intent

Dublin City University (DCU) recognises its responsibility to promote and safeguard the welfare of children, young people and vulnerable persons.

DCU believes and subscribes to the view that:

1. It is unacceptable for a child / young person / vulnerable person (here in after referred to as 'a child') to experience any form of harm or abuse.
2. The welfare and protection of the child is paramount

All children should be valued and treated in an equitable and fair manner which takes into account, ability, age, gender, religion, social and ethnic background or political persuasion.

DCU is committed to adopting and upholding the highest possible standards in child protection and shall take all reasonable steps in relation to the protection and welfare of children, young people and vulnerable persons who may be present within its facilities or on university related placements, avail of its services, or participate in research conducted by or on behalf of the university.

The DCU Child Protection Procedures have been developed following extensive consultation and take account of the Children First Act, 2015 and the updated Children First: National Guidance for the Protection and Welfare of Children published in 2017.

The DCU Child Protection Procedures apply to **University Members**, including:

- i. All employees of Dublin City University, including campus companies and research centres;
- ii. All students, who may have contact with children or vulnerable adults on or off campus in the course of their duties or in fulfilment of the requirements of their programmes of study; and
- iii. All other external parties (e.g. agents, organisations, groups, summer residency programmes/activities) operating both within a DCU campus and on behalf of DCU will be required to adopt this document.

The purpose of the procedures is:

- a) To raise awareness of child abuse and neglect
- b) To provide sufficient information to assist all members of the DCU community in identifying and, dealing effectively with child protection concerns
- c) To give clear direction and guidance to all members of the DCU community in relation to meeting their new statutory obligations under the Children First Act, 2015 and in the continued implementation of the best practice (non-statutory) guidance set out in Children First National Guidance 2017

External Parties: Subsidiary companies, organisations, agencies and groups:

In addition, all external parties, subsidiary companies, organisations, agencies and groups (e.g. Summer residency programmes / activities, Campus Dining and Shops), considered as a 'relevant service' under the Children First Act 2015 operating both within the DCU campus and on behalf of DCU, will be required to have a Child Safeguarding Statement, in line with the requirements of Children First (2017), before entering into a contractual relationship with DCU. Appendix 5 outlines the schedule of relevant services under the Children First Act 2015. All such subsidiary companies, organisations, agencies and groups will be required to furnish the DCU Procurement Department and /or the DCU DLP with a copy of their Child Safeguarding Statement.

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Glossary of Terms

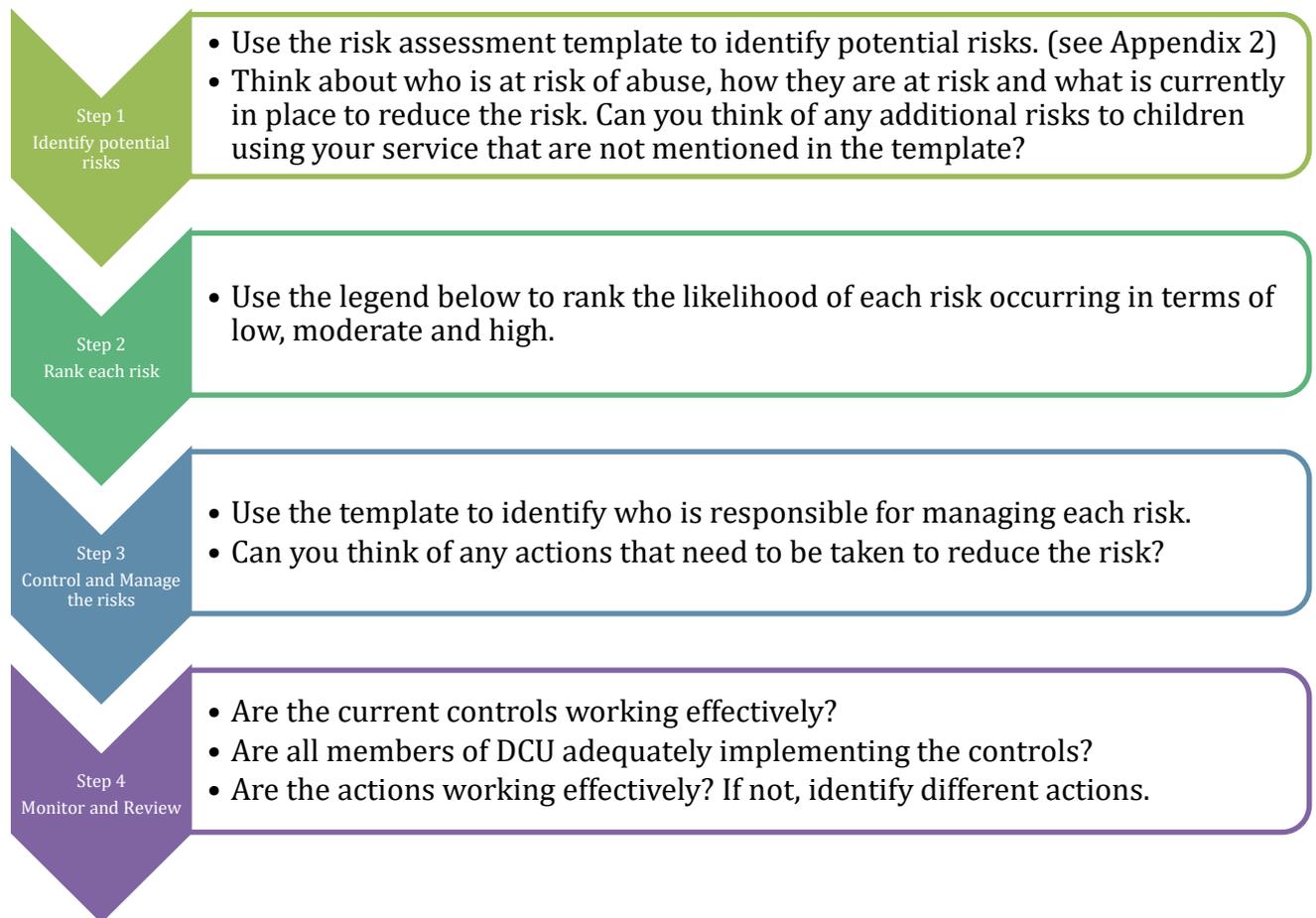
Child:	The Child Care Act, 1991 defines a child as any person under the age of 18 years, excluding a person who is or who has been married.
Vulnerable adult	A vulnerable adult is a person aged 18 years or over who may require assistance to care for themselves, or protect themselves from harm or from being exploited.
Age of Consent:	In Ireland the age of consent to sexual intercourse is 17 years for both males and females. It is a criminal offence to engage or attempt to engage in a sexual act with a child under 17 years of age.
Child Abuse:	The words “child abuse” as used in these procedures should be taken to include all four categories (neglect, emotional abuse, physical abuse and sexual abuse) as outlined below and in appendix 1 of these procedures and in chapter 2 of Children First (2017).
Neglect:	Neglect is when a child is not provided with adequate food or shelter, effective medical, therapeutic or remedial treatment, and/or care, nurturance or supervision to a severe and/or persistent extent where the health or development of the child is significantly impaired or placed at risk.
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 whereby the child’s basic need for attention, affection, approval, consistency and security are not met. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse.
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, however, it does not include accidental injury.
Sexual Abuse:	Sexual abuse occurs when a child is used by another person for their gratification or arousal, or for that of others.
Bullying:	Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others.
DCU Designated Liaison Person (DLP):	“Designated Liaison Person” means a person nominated by DCU to act as the liaison person for DCU to deal with the Child and Family Agency, TUSLA and /or An Garda Síochána and other parties in connection with allegation/s of and/or concerns about child abuse. The Designated Liaison Person will also be the “Relevant Person”.
Relevant Person (RP):	“Relevant Person” means the person appointed by DCU as the relevant person in accordance with Section 8 of the Children First Act 2015. The Relevant Person will also be the Designated Liaison Person.
Designated Child Protection Contact Person:	The Designated Child Protection Contact Person will be appointed by the Executive Dean, specific to each faculty, and will be the “go to person” in the faculty concerning child protection matters. The Designated Child Protection Contact Person will work and liaise closely with the Designated Liaison Person and Mandated Person/s

Mandated Person:	“Mandated Person” means a person who is specified in Schedule 2, Children First Act 2015. 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. Organisations that provide a relevant service to children are also considered mandated persons. The Children First Act 2015 places a legal obligation on mandated persons to report child protection concerns.
Employee:	In the context of these procedures the word ‘employee’ includes all full-time, part-time and voluntary employees of the University.
Parent / Carer:	The phrase “parent/carer” is used in these procedures as it is used in Children First (2017) to refer to the child’s parent or carer as appropriate.
All members of the DCU community:	The phrase “all members of the DCU community” as used in these procedures is a generic term to encompass all adults who are involved in the operation of DCU. It covers employees, students and voluntary workers. University members include Members of the Governing Authority Members of Heads and Deans Members of the Academic Council The University’s employees The University’s Students
University members	For the purposes of this Child Protection Procedures document, it includes any volunteer, service provider or graduate member engaged in the University’s arranged activity.
Student:	Includes all full-time and part-time students of the University.
Associated Organisations/External Parties:	All University contractors, associated organisations, visitors and/or any other parties who are granted access to the University’s resources and/or facilities but who are not under the direct management of DCU.

Overview of the Risk Assessment Procedures

Risk Assessment

The following steps in the diagram are a guide to help University Units (faculties/offices/departments) consider where the potential for Child Protection risks lie and how these risks can be managed.



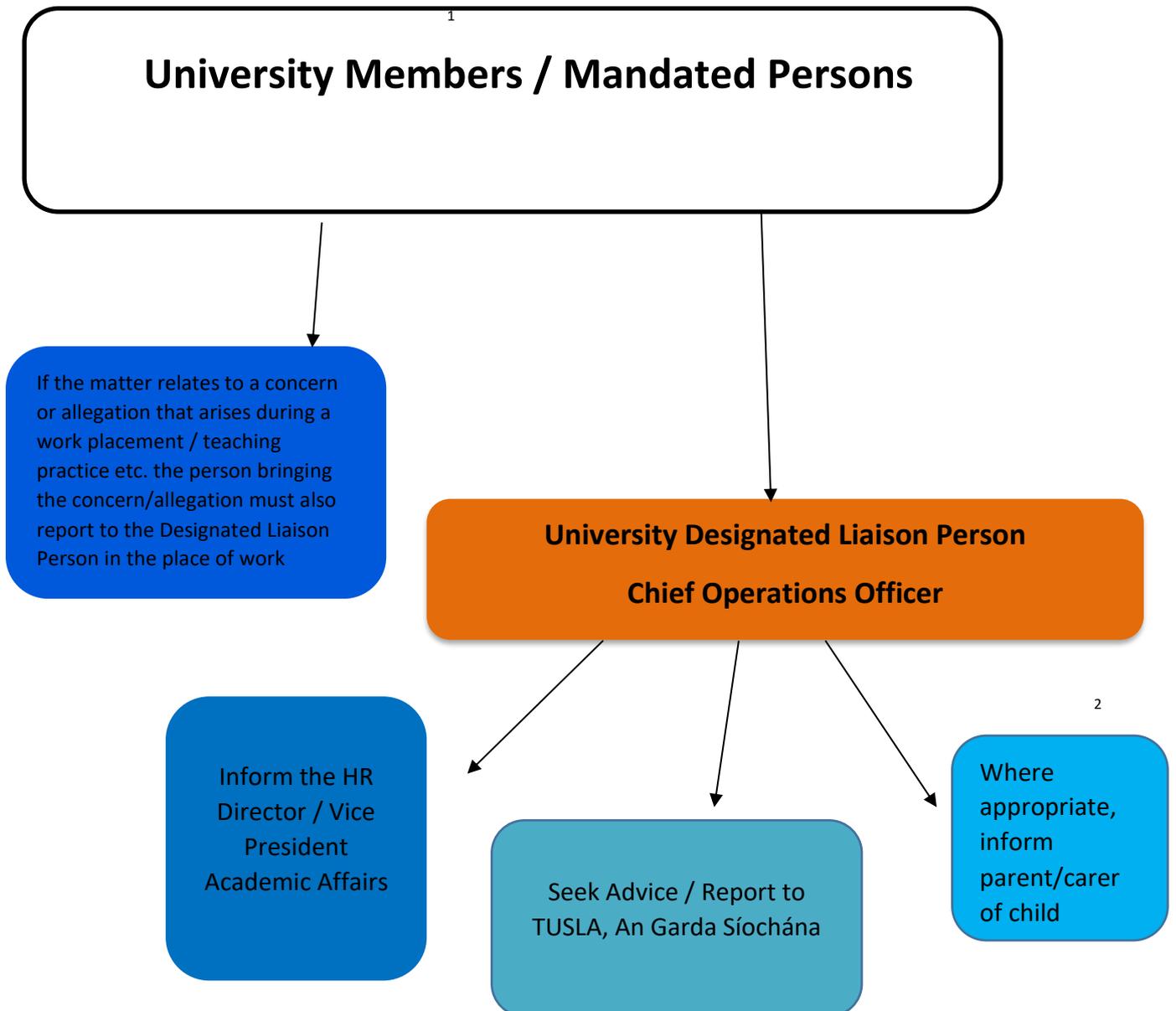
Ranking risks:

Low risk: This is where the likelihood of an accident occurring is low and the severity is low. Low risk indicates that no intervention is currently necessary.

Moderate risk: As the level of likelihood and severity increases, a hazard may be assessed as a moderate risk. A moderate risk is an indication that the situation should be monitored, with intervention when necessary.

High risk: You should focus on high risk hazards first, as there is a likelihood that an accident could occur and if it does then there could be serious harm to the welfare and development of the child. High risk indicates an intervention is necessary and of high priority.

Reporting Responsibilities of the University Members



¹ The statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the designated liaison person on their behalf. Therefore all DCU mandated persons are expected to make a joint report with the DLP.

² The parent/carer of the child will not be informed if a) by doing so the child will be placed at further risk or b) in cases where the family's knowledge of the report could impair Tusla's ability to carry out an assessment or c) if the person making the report reasonably believes it may place them at risk of harm from the family.

Reporting Obligations under the Withholding of Information Act and Children First

	Under the Withholding of Information Act	Under Children First: General Guidance for all Persons	Under Children First: Legal Obligations for Mandated Persons
What	Knowledge or belief that a serious offence has been committed against a child or vulnerable person.	<p>Suspicions or concerns relating to:</p> <ul style="list-style-type: none"> ● Sexual Abuse ● Physical Abuse ● Emotional Abuse ● Neglect <p>Concern about a potential risk posed by a specific person, even if the children are unidentifiable</p>	<p>Knowledge, belief or reasonable suspicion that a child has been, is being or is at risk of being harmed.</p> <p>Harm is defined as:</p> <ul style="list-style-type: none"> ○ assault; ill-treatment; or, neglect that seriously affects, or is likely to seriously affect the child's health, development or welfare; or, ○ Sexual abuse.
To Whom	Designated Liaison Person for onward reporting to An Garda Síochána	<p>Designated Liaison Person for onward reporting to Tusla.</p> <p>Where the above are not available, and there is an immediate danger, contact An Garda Síochána</p>	<p>Tusla.</p> <p>Where the above is not available, and there is an immediate danger, contact An Garda Síochána</p>
Forms to be Completed	Internal Report Form	<p>Internal Report Form</p> <p>plus</p> <p>Tusla Standard Reporting Form</p>	<p>Tusla Reporting Form as a Mandated Report</p> <p>plus</p> <p>Internal Report Form</p>

What to do if you Suspect a Child is being Abused

DO	DO NOT
<p>Stay calm – Do not rush into taking rash or inappropriate actions.</p>	<p>Don't panic – or allow your feelings to be evident.</p>
<p>Reassure the child – That they are not to blame. Confirm that you know how difficult it must be to confide in someone. Tell them that they have done the right thing in informing or disclosing what has occurred.</p> <p>Reassure them that information will only be shared on a 'need to know' basis.</p>	<p>Don't make promises you cannot keep and never agree to it secret – explain that you will need to tell other people e.g. DLP.</p>
<p>Listen sympathetically – To what the child says and show that you take them seriously. The experience of telling should be a positive one.</p>	<p>Don't make the child repeat the story unnecessarily.</p> <p>Do not make any judgemental statements about the person against whom allegation is made</p> <p>Don't speculate or make assumptions.</p>
<p>Be compassionate – Understand that the child has decided to tell something that is very important to them and that the child is taking a risk by disclosing what has happened to you.</p>	<p>Don't probe for more information than is offered.</p>
<p>Keep questions to minimum – The child should not be questioned unless the nature of what he/she is saying is unclear. Open, non-specific questions should be used such as "Can you explain to me what you mean by that?"</p>	<p>Don't ask leading questions –avoid leading questions such as who, when, where.</p>
<p>Report the disclosure to:</p> <ol style="list-style-type: none"> 1. The DLP 2. The DLP in the place of work/school if the matter relates to a concern or allegation that arises during a work placement / teaching practice etc. 	<p>Don't take sole responsibility.</p>
<p>Make a written record immediately afterwards using, insofar as is possible, the child's own words.</p> <p>The record should be signed by the person reporting and sent to the DLP.</p>	<p>Make copies of the record. The only copy should be the one supplied to the DLP.</p>

Chapter 1: Responsibilities and Legal Framework

Children First: National Guidance for the Protection and Welfare of Children

Children First: National Guidelines for the Protection and Welfare of Children, first published in 1999 revised in 2011 and again in 2017, has been the national guidance for social workers, professionals, organisations and individuals to help keep children safe and protected from harm.

Children First: National Guidance for the Protection and Welfare of Children was revised in 2017 because of the enactment of the Children First Act 2015. This Act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children.

The schedule of relevant services under the Children First Act 2015 is contained in Appendix 5 of these procedures. A full schedule of mandated persons under the Children First Act 2015 is contained in Appendix 6 of these procedures.

The procedures contained in this document are based on *Children First: National Guidelines for the Protection and Welfare of Children 2017*.

Children First: National Guidelines for the Protection and Welfare of Children 2017

- Sets out the statutory responsibilities for mandated persons and organisations under the Children First Act 2015.
- Provides information about how the statutory agencies respond to reports of concerns made about children.
- Includes information on the statutory obligations for individuals and organisations
- Sets out the best practice procedures that should be in place for all organisations providing services to children.
- Provides guidance in identifying and reporting child protection issues and in dealing effectively with concerns.

Children First: National Guidelines for the Protection and Welfare of Children 2017 can be accessed at <https://www.dcyu.gov.ie/documents/publications/20171002ChildrenFirst2017.pdf>

2.1. Key Oversight Requirements for all faculties, offices and departments

2.1.1. General

The management of all faculties, offices and departments operating under DCU is required to ensure that the protection and welfare of the child is of paramount importance, regardless of all other considerations. These oversight arrangements are designed to ensure uniform and consistent implementation of the DCU child protection procedures within all faculties, offices and departments operating under DCU. These key oversight requirements should be read within the context of the overall document.

2.1.2. Designated Liaison Person (DLP)

The Chief Operations Officer of DCU is the person appointed by DCU to be the University Designated Liaison Person (DLP). Designated Liaison Person means a person nominated by DCU to act as the liaison person for DCU to deal with the Child and Family Agency, TUSLA and /or An Garda Síochána and other parties in connection with allegation/s of and/or concerns about child abuse. The Designated Liaison Person will also be the “Relevant Person”.

The DLP is responsible for ensuring that reporting procedures within DCU are followed, so that child welfare and protection concerns are referred promptly to the relevant statutory agencies.

All child protection concerns must be channelled through the DLP. In the event that the DLP is not available the concern/s should be reported to either the Deputy President or the Deputy Chief Operations Officer who have been appointed as Deputy DLPs.

Contact details set out below:

Contact	Name	Contact details
Designated Liaison Person (DLP)	Dr Declan Rafferty Chief Operations Officer	child.protection@dcu.ie 01-700 5118 01-700 8257
Deputy Designated Liaison Person (DDL P)	Martin Ward, Deputy Chief Operations Officer	child.protection@dcu.ie 01-700 7476
Deputy Designated Liaison Person (DDL P)	Anne Sinnott Deputy President	child.protection@dcu.ie 01-700 5396

2.1.3. Responsibilities of all faculties/ offices / departments

All DCU Units must ensure that:

- a) the DCU Child Protection Procedures are formally adopted and fully implemented.
- b) employees and students being placed in outside agencies and organisations are required to inform themselves of that agency's or organisation's Child Safeguarding Statement.
- c) best practice guidelines are adhered to in the recruitment of employees or volunteers, which includes vetting, taking up of references, HR practices in interviewing, induction training, probation and ongoing supervision and management (see 1.4).
- d) University members
 - 1) are aware of how to recognise signs of child abuse.
 - 2) avail of appropriate training where necessary.
 - 3) follow the reporting procedures, as outlined in Chapter 2 and 3, where they have reasonable grounds for concern about the safety and welfare of any child involved in any service provided by DCU.
 - 4) fully co-operate with the relevant statutory authorities in relation to child protection matters.
 - 5) comply with confidentiality requirements in dealing with child protection matters
 - 6) read and sign the 'Acceptance of the DCU Child Safe Guarding Statement' (See Appendix 4).
- e) the name and contact details of the DLP is displayed on the DCU website.

2.2. Other DCU procedures and guidelines

The child protection procedures are intended to complement other existing University procedures and guidelines, e.g. in relation to research involving children; the guidelines for supervisors on placement; requirements of students on placement; the DCU requirements for vetting of students and employees; the HEAnet - Acceptable Usage Policy; and also relevant material covered with students in DCU programmes. See the [University's Policy Webpage](#).

2.3. Recruitment procedures and requirements for vetting

All DCU Units must ensure compliance with the legal requirements in relation to vetting of all employees who have or may have unsupervised access to children or vulnerable adults.

Under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 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.

2.4. Child protection training

Effective child protection depends on the skills, knowledge and values of employees working with children and families, as well as co-operation between agencies (interagency) and within agencies (intra-agency). Relevant

training and education is an important means of achieving this. It is imperative that all faculties, offices and departments operating under DCU ensure that all employees are familiar with these procedures to enable them to fulfil their responsibilities therein. This will be achieved by the faculty, department or office developing a culture of awareness and knowledge of these procedures amongst all employees and, where necessary, ensure that appropriate training is undertaken.

It is recommended that all DCU employees complete the Tusla Child Protection Online Training which can be accessed at [this link](#) via HR's Essential eLearning platform.

2.5. Confidentiality

All information regarding possible child protection concerns should be shared only on a “need to know” basis in the best interests of the child. Giving information to those who need to have that information, for the protection of a child is not a breach of confidentiality. Such people include the DLP, Tusla and An Garda Síochána. The need to report child welfare concerns to appropriate authorities, may compromise a young person's rights to confidentiality and privacy. The assurance of confidentiality should not be given to any person who imparts information.

Confidentiality may be compromised where there are reasonable grounds for believing that:

- There is a risk of harm to a child.
- There is a risk of harm to other children or persons.
- It is mandated by law or a court order to so disclose.
- It is in the public interest to so disclose.

Any member of the DCU community having knowledge or reasonable grounds for such concern shall consult immediately with the DLP. The DLP will then make a report, if appropriate, to Tusla and/or An Garda Síochána.

2.6. Relevant Legislation

There are a number of key pieces of legislation that relate to child welfare and protection. A brief overview of such relevant legislation is contained in Appendix 9. All Faculties, offices and departments should be aware that the EU General Data Protection Regulation (GDPR) came into force on the 15th January 2019, replacing the existing data protection framework.

Chapter 2: Responsibilities of University Members

General

The Children First (2017) guidelines require that Tusla shall always be notified where a person has a reasonable suspicion or reasonable grounds for concern that a child may have been, is being or is at risk of being abused. Child protection concerns should be supported by evidence that indicates the possibility of abuse.

The Children First (2017) document is available at [this link](#).

Any reasonable concern or suspicion of abuse must elicit a response. Ignoring signals or failing to intervene may result in ongoing or further harm to the child.

It is the responsibility of all individual members of DCU to be aware of their duties and responsibilities as outlined in these procedures. Where necessary, each faculty, office and department operating under DCU must ensure that all employees managed by them are adequately trained.

3.1. Appropriate Reporting

In the interests of the safeguarding of children, where there are reasonable grounds for concern in relation to the welfare of a child, or knowledge or belief of a serious offence having been committed against a child, Tusla and/or An Garda Síochána shall be notified without delay unless there are justifiable reasons not to. This applies to both historical/retrospective disclosures of abuse and current alleged abuse.

In addition to a general commitment to child welfare, there are specific ethical and legal reporting requirements that may arise in certain circumstances. Reporting of child protection concerns shall always be considered with regard to:

- Ethical Obligations
- Children First: National Guidance for the Protection and Welfare of Children, 2017
- The Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012

3.1.1. Children First: National Guidance for the Protection and Welfare of Children, 2017¹

Children First: National Guidance for the Protection and Welfare of Children, 2017 (“Children First”) sets forward principles of good practice in the identification and reporting of suspected child protection concerns. All relevant

DCU employees should be familiar with Children First which may be accessed at [this link](#).

General reporting obligations under Children First

Child abuse is categorised in Children First into four main categories of:

- 1) neglect
- 2) emotional abuse
- 3) physical abuse
- 4) sexual abuse.

Appendix 1 of this document sets out examples of signs and symptoms of each category together with guidance on how to recognise each. All university members should familiarise themselves with this chapter.

Knowledge, or reasonable grounds for concern, of issues related to the welfare of a child must be reported to Tusla without delay. Concern about a potential risk posed by a specific person, even if the children at risk are unidentifiable should also be made without delay. The safety and wellbeing of children must always take priority.

Any university member, having concern as to a child's welfare must consult immediately with the DLP and the internal reporting form must be completed (see Appendix 9).

The DLP shall undertake to do the following:

- Discuss and establish if possible, in consultation with the person who raised the concern, if reasonable grounds for concern exist.
- If reasonable grounds for concern exist the information should be forwarded without delay to Tusla using the Children First Standard Reporting Form (as may be updated from time to time). This form can be accessed at [this link](#).

3.2. Recognition of possible signs of abuse

Appendix 1 of these procedures outlines the types of child abuse and how they may be recognised. All university members shall familiarise themselves with these signs and symptoms of child abuse to enable them to meet their reporting obligations under these procedures. All university members should liaise with the DLP where they have a concern that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect.

3.3. Reasonable grounds for concern

It is not necessary for any university member to prove that abuse has occurred - all that is required is that the person has reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it.

The following are examples, as outlined in Children First, of reasonable grounds for concern:

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

3.4. Dealing with disclosures from children

Any disclosures of child protection issues from a child, must be reported to the DLP who must in turn seek advice and/or report the matter to Tusla. **It is not the role of any DCU individual to judge the truth of the claims or the credibility of the child. It is the function of Tusla to investigate all concerns and disclosures.**

While the involvement of Tusla may not be desired by either the child or their family, Tusla must be advised of all disclosures by children 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.

It is important to deal with any allegation of abuse in a sensitive and competent way through listening to and facilitating the child to tell about the problem, rather than interviewing the child about details of what happened.

The following advice should be followed.

3.5. Concerns in relation to an adult who may pose a risk to children

Sometimes concerns arise in relation to whether an adult may pose a risk to children. For example, on the basis of known or suspected past behaviour, a concern could exist about the risk an individual may pose to children with whom he or she may have contact. Any such reasonable concerns should be reported to Tusla, in accordance with the DCU reporting procedures, who will try to establish whether or not any child is currently at risk from the individual in question. Where concerns arise as to whether an adult may pose a risk to children (even if there is no specific child named in relation to the concern) and the DLP is not sure whether to report the matter to Tusla, the DLP shall seek advice from Tusla in accordance with the procedures set out in Chapter 4.

While Tusla will make every effort to examine such cases, it is a very complex area involving the accused's constitutional rights to their good name, privacy and the right to earn a living, as well as the requirements of natural justice. Tusla must work within the Constitution, the law, the legal system and the demands of natural justice to balance the conflicting rights of those involved. This may limit how much feedback Tusla can provide to the person who reported the concern on the progress or outcome of the case. Tusla's examination can be greatly improved if the alleged victim feels able to co-operate with Tusla in its assessment or investigation.

3.6. Mandated Persons

3.6.1. Statutory Obligations of Mandated Persons

The Children First Act 2015 places a legal obligation on mandated persons to report child protection concerns. Mandated persons 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 protect children from harm. Mandated persons include professionals working with children in the education, health, justice, youth and childcare sectors.

Obligations on Mandated Persons

In addition to the reporting obligations outlined above, Children First places specific legal obligations on "Mandated Persons".

A full list of mandatory persons is set out in Appendix 6 of this document.

Mandated persons are legally obliged to:

- 1) report child protection concerns that are at or above a defined threshold directly to Tusla; – this is Mandatory Reporting.
- 2) assist Tusla, if requested, in assessing a concern that has been reported to it by a mandated person – this is Mandatory Assisting.

These obligations are clearly set out in Chapter 3 of Children First and all university members who are mandated persons must familiarise themselves with these.

The statutory obligation to make a mandated report under the Act applies only to information that a mandated person acquires in the course of his or her employment or profession as such a mandated person. It does not apply to information acquired outside of his or her work, or information given to him or her on the basis of a personal rather than a professional relationship.

Threshold of harm

Under the Children First Act 2015 the **threshold of harm** at which a report must be submitted to Tusla by a mandated person, is reached when there are reasonable grounds to suspect that a child has been, is being or is at risk of being abused to the extent that **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

The statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the designated liaison person on their behalf. However a mandated person who makes a mandated report to Tusla jointly with the DLP meets his or her statutory obligation to report to Tusla under the Children First Act 2015.

Section 3.2.3 of these procedures outlines the reporting process for mandated persons making a joint report with the DLP to Tusla.

Does all underage sexual activity have to be reported?

Not necessarily, where the sexual activity is consensual, notwithstanding that one or both of the parties is under 17 years of age and all the following circumstances exist:

- The young person(s) concerned are between 15 and 17 years old.
- The age difference between them is not more than 2 years.
- 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 person(s) concerned stated clearly that they do not want any information about the activity to be disclosed to Tusla.

Where these criteria are met, and it is decided that it is not necessary or appropriate to make a report to Tusla, the DLP should still be informed and the Internal Report form completed to evidence that the above criteria were considered and met.

However, even where the above criteria are met, but a reasonable concern still remains, a report should be made to Tusla under the general guidance on reporting where there are reasonable concerns.

Do the family of the young person need to be informed that a report has been made?

It is good practice to tell the family that a report is being made. 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. More information in relation to informing parents is discussed in Chapter 4 of this document.

Retrospective Disclosures by Abuse of Adults

Child protection concerns may arise with an adult (18 years or over) who discloses retrospectively that they have experienced abuse. Disclosures of historic abuse or crimes against a child or vulnerable adult are required to be reported unless there is a justifiable reason not to report, or not to report immediately. This will be required to be decided on a case by case basis if it arises. In such circumstances consideration must be given to the following:

- Establishing whether there is any current risk to any child who may be in contact with the alleged abuser.
- If any risk is deemed to exist to a child who may be in contact with an alleged abuser, this should be reported to the DLP who will in turn contact Tusla.
- A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should be reported to the DLP who will in turn contact Tusla.
- If the person forming the concern in relation to sexual abuse is a mandated person then the matter should be referred to Tusla using the form prescribed for reporting allegations of abuse from retrospective persons. This form can be accessed at [this link](#).

3.6.2. 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 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 a mandated report was not made and a child was subsequently left at risk or harmed.

However, under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 (“The Withholding of Information Act”) it is an offence to fail to disclose to An Garda Síochána, without reasonable excuse, information concerning certain serious offences committed against a child or vulnerable adult. These serious offences are listed in the Schedules to the Withholding of Information Act and include most sexual offences and offences such as assault causing harm or serious harm, cruelty to a child, abduction of a child, manslaughter and murder.

What information must be reported?

Where a person knows or believes an offence has been committed, and the person has information which he or she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of the offender, it must be reported to An Garda Síochána.

Who is subject to this law?

Every person, organisation and sector of society other than the victim of an offence is subject to this obligation to report. Notwithstanding that the obligation to report is on the individual who has initially formed the concern, it is considered good practice that the onward reporting to and liaison with An Garda Síochána is best carried

out by the DLP to ensure clarity and consistency of reporting. It is considered that the best interests of children are met by adopting this approach.

What are the penalties for non-reporting?

Penalties vary from fines and up to 12 months in prison to sentences of five or more years for the non-reporting of serious offences such as assault causing harm; assault causing serious harm; cruelty to a child; child abduction and manslaughter.

When might there be a “reasonable excuse” to not report?

The Act acknowledges that in certain circumstances a person may have a reasonable excuse for not making a report. Such a reasonable excuse may be considered a defence to not making a report to An Garda Síochána.

The defences that are contemplated in the Act are set out below. However, it may ultimately be a matter for a court to decide if the excuse is reasonable. It is the policy that the best interest of the young person must always be the motivating factor in deciding whether to make a report.

- Where a child over 14 years makes known his/her view that they do not want the offence to be disclosed.
- Where the parents/guardian of a child under 14 years makes known their view that they do not want the offence to be disclosed (but not if the offender is a family member) and they are acting in the interests of the health and welfare of the child.
- Where a designated healthcare professional³ providing services to a child is of the view that it should not be disclosed and he/she is acting in the interests of the health and welfare of the child.
- Where a prescribed person⁴ providing support services⁵ to the child is of the view that it should not be disclosed and he/she is acting in the interests of the health and welfare of the child.

3.6.3. Protection for Persons Reporting Child Abuse

The Protections for Persons Reporting Child Abuse Act, 1998 provides protection against civil liability for persons who communicate allegations about child abuse reasonably and in good faith to a designated officer of the HSE or to any member of An Garda Síochána. This protection applies to organisations and to individuals. This protection is in addition to the defence of ‘qualified privilege’ in any defamation action where concerns are reported reasonably and in good faith to the appropriate authorities.

3.6.4. The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 - 2016

As part of a suite of legal and policy measures in relation to child protection, the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 was passed into law in 2012 and commenced on the 29th April, 2016.

3.6.5. Mandated Assisting

Tusla may request a mandated person to provide any necessary and proportionate information and assistance to aid Tusla in assessing the risk to a child arising from a mandated report. There is a statutory obligation on all mandated persons to comply, as soon as practicable, with a request made by Tusla in accordance section 16(1) of the Children First Act, 2015. This obligation applies regardless of who made the mandated report.

³ A designated healthcare professional is defined as a registered medical practitioner, nurse, midwife, psychologist or social worker.

⁴ A “prescribed person” is a person working within a prescribed organisation that provides “services” to children and/or vulnerable persons who have suffered injury, harm or damage as a result of physical or sexual abuse. To become a prescribed organisation, an application must be made to the Minister for Justice and Equality. Such an application must be accompanied by a copy of the organisation’s code of practice for employees providing such services and protocols to take account of the provisions of the Act.

⁵ The provision of “support services” includes the resolution, through guidance, counselling or otherwise of personal, social or psychological problems and the care of persons in need of protection, guidance or support. They must be provided by a person who is required to exercise skill and judgment in relation to them.

Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting. Further information about mandated assistance, including Tusla's protocol for requesting such assistance, can be found on Tusla's website www.tusla.ie.

A mandated person who shares information with Tusla pursuant to a mandated assistance request made by Tusla in accordance with section 16(1) of the Act, is protected from civil liability in relation to the sharing of that information with Tusla.

3.7. University Designated Liaison Person

The Governing Authority of DCU has appointed the Chief Operations Officer as the University Designated Liaison Person (DLP) responsible for ensuring that the child protection reporting procedures within DCU are followed promptly and correctly. In the absence of the DLP the Deputy DLP (DDL) responsible for dealing with child protection concerns are the Deputy President or the Deputy Chief Operations Officer.

Under the requirements of the DCU procedures the DLP / DDL is also considered to be a mandated person.

The DLP is also responsible for

- Acting as a resource person to any member of the DCU community who has a child protection concern.
- Recording all concerns or allegations of child protection issues brought to their attention, and the actions taken in relation to such a concern or allegation.
- Reporting concerns or suspicions of child protection issues to Tusla, An Garda Síochána and other agencies as required.
- Seeking advice from Tusla in situations where the DLP is not sure whether to report the matter to Tusla or whether a report should be submitted as a mandated report.
- Maintaining all records in a secure location

The DLP should be knowledgeable about child protection and is provided with any training considered necessary to fulfil this role. Chapter 3 of these procedures outline the specific actions to be taken by the DLP in relation to the reporting of any concerns about a child including those in respect of joint mandated reporting.

The Governing Authority of DCU has appointed the DLP as the “relevant person” under section 11 of the Children First Act, 2015 for the purposes of being the first point of contact in respect of the university's Child Safeguarding Statement.

The name and contact details of the DLP and DDL shall be recorded in the Child Safeguarding Statement. The name and contact details of the DLP shall be displayed on the university website. Tusla, An Garda Síochána and other parties shall be advised by the DLP that they shall conduct all matters pertaining to the processing or assessment/investigation of alleged child abuse through the DLP. Where an allegation or suspicion of child abuse concerns a member of the DCU community the DLP shall also report the matter to the HR Director / Vice president Academic Affairs as outlined in Chapter 5.

3.8. What must be reported

Mandated persons must report any knowledge, belief or reasonable suspicion that a child has been, is being or is at risk of being harmed. Harm is defined as assault, ill-treatment or neglect that seriously affects, or is likely to seriously affect the child's health, development or welfare. Therefore, there is a “threshold of harm” that must be met. If a mandated person is unsure if this threshold is met they should contact the Duty Social Worker in Tusla to discuss this.

Harm also includes sexual abuse. However, there is no threshold to meet if sexual abuse is suspected as all sexual abuse seriously affects a child's health, development and welfare. These are further explored in Chapter 3 of Children First and all mandated persons must familiarise themselves with these.

Where a university member is unsure whether or not a report should be made to the DLP they may seek advice from the DLP. Where the DLP is unsure whether or not to report the matter to Tusla they may seek advice from Tusla.

The guiding principles on reporting child protection concerns may be summarised as follows:

- a) The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made.
- b) Reports of concerns should be made without delay to Tusla / Garda Síochána by the DLP.

If the concern or allegation arises during a work placement / teaching practice etc. the concern/allegation must also be reported to the relevant Designated Liaison Person in the place of work /school.

University members are required to comply with the best practice (non-statutory) requirement of the Children First National Guidance 2017 and in accordance with these procedures, to report all reasonable concerns to the DLP regardless of where or how they arise. In addition, mandated persons are required to act in accordance with their statutory requirements of the Children First Act 2015 and must follow the procedures set out in section 3.2 if a mandated report is being made to Tusla.

3.9. Record Keeping

When child abuse is suspected, it is essential that a written record of all the information available is made. Therefore members of the DCU community reporting a concern to the DLP shall be expected to make a detailed account of:

- the grounds for the concerns (e.g. details of the allegation, dates of incidents, and description of injuries).
- signs of physical injury shall be described in detail and, if appropriate, sketched.
- any comment by the child concerned, or by any other person, about how an injury occurred shall be recorded, preferably quoting words actually used, as soon as possible after the comment has been made.
- the names, if known, of who is allegedly harming the child or not caring for them appropriately should also be recorded.

All written records should be factual and objective and the name, contact details and relationship to the child of the person bringing the concerns must be included in the written record. All records shall include the name of the person bringing the concerns, be signed and dated. All records must then be passed onto the DLP.

Records made by university members will be passed onto Tusla in the event that a referral is made. Consequently university members may subsequently be invited to attend at a child protection conference or any proceedings where the matter is being investigated.

3.10. Allegations or concerns involving university members

University members who receive allegations of abuse against another university member or who themselves have concerns of abuse being perpetrated by a university member shall report the matter without delay to the DLP. In such cases, the DLP shall follow the procedures set out in Chapter 3 below for dealing with the allegation or concern. In addition, the procedures in Appendix 7 shall be followed.

If the allegation or concern relates to the DLP the matter should be reported, without delay, to the President of DCU. In such cases, the President of DCU shall follow the procedures set out in Chapter 3 below for dealing with the allegation or concern. In addition, the procedures in Appendix 7 shall be followed.

Chapter 3: Reporting of Concerns to Tusla / An Garda Síochána

The Children First (2017) guidelines require that Tusla shall always be notified where a person has a reasonable grounds for concern that a child may have been, is being or is at risk of being abused. **In addition** under the Children First Act 2015 the **threshold of harm**, at which a report must be submitted to Tusla as a mandated report, is reached when there are reasonable grounds to suspect that a child has been, is being or is at risk of being abused to the extent that **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

The DCU procedures require that all concerns are channelled by university members through the DLP. It is the responsibility of the DLP to get advice and/or make a report to Tusla and/or An Garda Síochána.

This chapter outlines the procedures that must be followed by the DLP when making reports brought to their attention by:

- a) non-mandated members of DCU (3.1)
- b) mandated members of DCU (3.2)

Reporting concerns made to the DLP by non-mandated university members

All child protection concerns or disclosures reported to the DLP by **non-mandated persons** must be dealt with in accordance with the following procedures with due regard to confidentiality as outlined in Chapter 1.

The DLP shall:

- request a written record from the university member making a child protection report to them as outlined in 2.8 of these procedures.
- make a written record of any concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to the concern or allegation.
- Ensure all written records are kept in a secure location.

In the event that the matter relates to a concern or disclosure that arises during a work placement / teaching practice etc. the person reporting the matter to the DLP must be advised to report the concern/ disclosure to the relevant Designated Liaison Person in the place of work /school.

4.1.1. Reporting to Tusla / An Garda Síochána

If the DLP is satisfied that there are reasonable grounds for the suspicion or allegation then he / she shall report the matter to the relevant officials Tusla immediately - normally the social work department that deals with child protection issues in the area where the child resides.

Please note: In the event that the DLP considers the concern to be at or above the defined threshold of harm (see 2.6.1) a mandated report must be made.

The contact details for making referrals are all available on the Tusla website (www.tusla.ie)

A report shall be made to Tusla either in person, by phone or in writing. Each area has a social worker on duty for a certain number of hours each day. Personnel are available to meet with, or talk on the telephone to, persons wishing to report child protection concerns. It is generally advisable that persons wishing to report child protection concerns make personal contact with Tusla. This will facilitate the duty social worker in gathering as much information as possible about the child and his or her parents/carers.

In cases of emergency, where a child appears to be at immediate and serious risk, and it is not possible to make contact with Tusla, An Garda Síochána shall be contacted immediately. This may be done at any Garda Station. Under no circumstances should a child be left in a dangerous situation pending intervention.

The DLP will be required to complete and forward the Standard Reporting Form to Tusla as soon as possible after making the initial referral (whether made initially in person, by phone or in writing to either Tusla or An Garda Síochána). A copy of the Standard Reporting Form is available at [this link](#). Although all information requested might not be available to the person making a report, the forms shall be completed as comprehensively as possible.

4.1.2. Seeking Advice from Tusla

The DLP should seek advice from Tusla in all situations where he/she is not sure whether to report the matter to Tusla or whether or not the matter should be reported as a mandated report. Advice should be sought from the child and family services where the child resides. In consulting Tusla, the DLP shall be explicit that he or she is requesting advice and consultation and that he or she is not making a report. At this informal stage the DLP need not give details that could identify the child.

Details of who to contact to discuss concerns with can be found on the Tusla website (www.tusla.ie). In all cases, the DLP shall retain a record of the consultation with Tusla, which should note the date, the name of the official and the advice given.

4.1.3. Decision not to Report

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

- The reasons for not reporting should be recorded
- Any actions taken as a result of the concern should be recorded
- The person who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla
- The person who raised the concern should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána

4.2. Reporting concerns made to the DLP by Mandated Persons

4.2.1. Mandated Persons:

Under the Children First Act, 2015, all mandated person (see Appendix 6 for Schedule of Mandated Persons under the Children First Act 2015) that have concerns about a child or who receive a disclosure that meets or exceeds the threshold of harm 2.6.1) have a statutory obligation to make a report to Tusla.

The statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the DLP on their behalf. However a mandated person who makes a mandated report to Tusla jointly with the DLP meets his or her statutory obligation to report to Tusla under the Children First Act 2015.

4.2.2. How to make a mandatory report

Mandated persons must report directly to Tusla as soon as is practicable using the relevant forms which can be accessed at [this link](#). Where urgent intervention is required the form may be filled out within 3 days of Tusla having been alerted of the issue. A mandated person may make a report jointly with another mandated person or with the DLP.

Any mandated report should be brought to the attention of the DLP. The internal report form at Appendix 9 must also be fully completed in conjunction with the DLP.

Important note: As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, all concerns about sexual abuse must be submitted as a mandated report to Tusla. There is one exception, which deals with certain sexual activity between older teenagers which is outlined in section 2.6.1 of these procedures.

4.2.2.1. DCU Joint reporting procedures

The following joint reporting procedures apply to all mandated persons in DCU.

Where a mandated person receives an allegation or has a suspicion that a child may have been abused, is being abused, or is at risk of abuse (as described in Appendix 1 of these procedures) he or she shall, without delay, report the matter to the DLP.

The DLP shall:

- request a written record from the DCU person making a child protection report to them as outlined in 2.8 of these procedures.
- make a written record of any concerns or allegations of child protection concerns brought to their attention, and the actions taken in relation to the concern or allegation.
- Ensure all written records are kept in a secure location.

In the event that the matter relates to a concern or disclosure that arises during a work placement / teaching practice etc. the person reporting the matter to the DLP must also be advised to report the concern/ disclosure to the relevant Designated Liaison Person in the place of work /school.

The DLP and the mandated person must consider whether there are reasonable grounds for concern (see section 2.3) about the welfare and protection of the child.

If the DLP and the mandated person both agree that the concern is at or above the defined threshold of harm (see 2.6.1) at which a mandated report must be made, the concern shall, as soon as practicable, be submitted as a mandated report jointly by the DLP and the mandated person concerned using the Tusla report form. This form can be accessed at [this link](#).

Where the DLP is unsure whether to report a concern to Tusla or whether a report should be submitted as a mandated report, the DLP shall seek advice from Tusla. The DLP shall inform the mandated person concerned that such advice is being sought and shall, when received, inform the mandated person of the advice provided. Where Tusla advises that a mandated report should be made, the DLP and the mandated person concerned shall act on that advice and a mandated report shall, as soon as practicable, be submitted to Tusla jointly by the DLP and the mandated person concerned in accordance with these procedures.

In any case (including where the DLP has sought and considered the advice of Tusla) where the DLP and the mandated person **are both satisfied that the concern is not at or above the defined threshold of harm (see 2.6.1) for a mandated report** but both consider that it constitutes reasonable grounds for concern (as described in 2.3 of these procedures) the DLP shall as soon as practicable, report the concern to Tusla in accordance with these procedures. In such cases, the mandated person is not required to submit a report to Tusla.

In any case (including where the DLP has sought and considered the advice of Tusla) **where either the DLP or the mandated person, has any remaining-doubt** as to whether the concern is at or above the defined threshold of harm (see 2.6.1) for a mandated report, the DLP or the mandated person (or both where applicable) shall submit the report to Tusla as a mandated report in accordance with the reporting procedures.

The Tusla report form, available on the Tusla website www.tusla.ie, shall be completed as comprehensively as possible and indicate, in the manner required that it is a mandated report under the Children First Act, 2015. **Please Note:** The Tusla report form can be filled in and submitted online. However it is imperative that a copy of the form is printed off and stored securely by the DLP.

Mandated persons are not required to report the same concern more than once. However, if a mandated person becomes aware of any additional information a further report shall be made.

4.2.3. Decision not to report

Where the DLP has decided not to report to Tusla or has decided not to submit the report as a mandated report to Tusla, the DLP shall:

- Advise the mandated person that it still remains open to that person to seek advice from Tusla and to report his or her concern, or to report that concern as a mandated report to Tusla where he or she still considers that such a report is warranted.
- Give the mandated person a clear statement in writing as to the reasons why action is not being taken and a copy of that statement shall be retained by the DLP. If, in such circumstances, the mandated person decides to report the concern to Tusla he/she shall provide a copy of that report to the DLP. Where that report concerns a member of school employees, the DLP shall inform the employer.

4.2.4. Risk of immediate harm:

Where a mandated person knows, believes or has reasonable grounds to suspect that a child may be at risk of immediate harm and should be removed to a place of safety, he or she may make a report to Tusla other than by means of the Tusla Report Form. In such cases, a Tusla Report Form must be submitted as soon as possible thereafter but in any event not later than 3 days after the making of the first-mentioned report.

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 it is considered that a child is in immediate danger and Tusla cannot be contacted, An Garda Síochána should be contacted without delay.**

Chapter 4

Reporting to Parents and DCU Management

Informing Parents

It is the responsibility of the DLP, who is submitting a report to Tusla or An Garda Síochána, to inform the parent/carer of the child that a report is being made and the reasons for the decision to report. Even in cases where a mandated person is submitting a report to Tusla, it is the DLP who shall assume the responsibility for informing a parent/carer.

However, Tusla advise that there is not a 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.

A record shall be made, by the DLP, of the information communicated to the parent/carer. A decision not to inform a parent/carer shall be briefly recorded by the DLP, together with the reason for not doing so. Where the DLP has any doubt as to whether or not to inform a parent/carer that a report is being made, the DLP shall seek the advice of Tusla.

5.1. Reporting to DCU Governing Authority and DCU Executive

The DLP must report to the Director of HR and/or Vice-President Academic Affairs, as appropriate, as soon as possible after the occurrence of any of the following:

- a) an allegation of a child protection concern is made against university members
- b) a child protection report, including child protection concern that arise from alleged bullying behaviour involving children, is made to Tusla or An Garda Síochána

Please Note: In the interest of protecting the anonymity of the child, no details of the case should be disclosed unless there are issues which need to be addressed directly by them.

Where an allegation of a child protection concern is made against a university member the DLP shall always:

- a) inform the Director of HR where the matter involves an allegation or concern made against an employee or volunteer and
- b) inform the Vice President Academic Affairs where the matter involves an allegation or concern made against a student.

Both a) and b) above apply whether or not the matter is being reported to Tusla.

Chapter 5 contains further information on dealing with allegations or suspicions of child protection concerns are made against a member of the DCU community.

Chapter 5: Dealing with Allegations or Suspicions of Child Abuse made against a university member

Introduction

While the most important consideration is the protection of children, and their safety and well-being must be the priority, DCU also has a duty and responsibility in respect of all university members. While priority must be given to the rights and interests of children, DCU must ensure that any person against whom an allegation is made is also afforded their rights to a full and fair enquiry.

In the context of allegations or suspicions of child protection concerns regarding a university member the primary goal is to protect the child. However, any university member may be subject to erroneous or malicious allegations. Therefore, any allegation of a child protection concern shall be dealt with sensitively and with appropriate supports, including counselling which can be provided through the Staff EAP service. All university members shall be treated fairly which includes the right not to be judged in advance of a full and fair enquiry. In dealing with any concerns or allegations of child protection concerns involving a university member, DCU should be aware of and comply with employment legislation and other relevant employee/student relations policies such as approved grievance and disciplinary procedures.

6.1. Protocol authorising immediate action.

DCU has in place protocols for authorising immediate action in the event that an allegation of child protection concern is made involving a university member.

- a. Where the matter involves an allegation or concern made against an employee or volunteer the Director of HR, or his/her nominee, shall take immediate action on behalf of DCU.
- b. Where the matter involves an allegation or concern made against a student the Vice President Academic Affairs, or his/her nominee, shall take immediate action on behalf of DCU

6.2. Procedures to be Followed

In the event that an allegation is made against any university member there are two procedures to be followed:

- a. the reporting procedure in respect of the allegation/suspicion;
- b. the procedure for dealing with the person against whom the allegation is made.

In general the same person shall not have responsibility for dealing with both procedures. The DLP is responsible for reporting the matter to Tusla and/or An Garda Síochána while the Director of HR/Vice President Academic Affairs, or his/her nominee, is responsible for addressing the relevant procedural issues applicable in respect of a DCU employee or student, as applicable.

The DLP shall:

- immediately act in accordance with the procedures outlined in Chapters 2, 3 and 4 of these procedures with regard to getting a written statement, reporting to Tusla and informing parents.
- always inform the Director of HR, or their nominee, where the matter involves an allegation or concern made against an employee or volunteer.
- always inform the Vice President Academic Affairs, or their nominee, where the matter involves an allegation or concern made against a student.

The Director of HR / Vice President Academic Affairs shall:

- a. seek legal advice if required as circumstances can vary from one case to another and it is not possible in these procedures to address every scenario.
- b. Seek advice from Tusla / Gardaí in relation to the risk to children.
- c. Arrange to privately inform the person against whom the allegation was made of the following:
 - the fact that an allegation has been made against him/her;

- the nature of the allegation;
 - whether or not the matter has been reported to Tusla.
- d. provide a copy of the written record and/or allegation, and any other related documentation to the person against whom the allegation is made – having due regard to ensuring that appropriate measures are in place to protect the child.
 - e. If, following the advice offered at a) and b), the nature of the allegation warrants immediate action the Director of HR/ Vice President Academic Affairs shall direct the person against whom the allegation is made to absent themselves from the faculty, school and campus with immediate effect.

Where the Director of HR/ Vice President Academic Affairs has directed a university member to absent themselves from the faculty, school and campus with immediate effect, such an absence should not imply any degree of guilt on the part of the person against whom the allegation is made.

Where such an absence involves a paid employee, DCU Human Resources shall immediately be contacted with regard to: formal approval for the payment of remuneration or ex-gratia payments in lieu of remuneration as appropriate, and if appropriate, sanction for the employment of a temporary employee where necessary.

At all stages it should be remembered that the first priority is to ensure that no child is exposed to unnecessary risk. DCU shall, as a matter of urgency, ensure that any necessary protective measures are taken. These measures should be proportionate to the level of risk and should not unreasonably penalise the person against whom the allegation is made, financially or otherwise, unless necessary to protect children. Where protective measures penalise the person against whom the allegation is made, it is important that early consideration be given to the case.

It is essential that at all times the matter is treated in the strictest confidence and that the identity of the person against whom the allegation is made shall not be disclosed, other than as required under the procedures within this document, until such time as that person has been offered the opportunity to address and/or be represented.

The principles of natural justice, the presumption of innocence and fair procedures shall be adhered to. It is very important to note that the actions described here are intended to be precautionary and not disciplinary.

Please note: Where the allegation/suspicion relates to the DLP, the Director of HR shall assume the responsibility for seeking advice from Tusla and/or for reporting the matter to Tusla.

6.3. Right of Reply

Once the matter has been reported to the person against whom the allegation is made they shall be offered the opportunity to respond to the allegation in writing to the appropriate body within a specified period of time. That person shall be told that their explanation to the appropriate body shall also be passed on to Tusla and/or An Garda Síochána as appropriate.

6.4. Feedback from Tusla

Tusla should provide feedback to management or the Director of HR/ Vice President Academic Affairs on the progress of a child abuse investigation involving a university member. Tusla should seek to promptly assess complaints and to complete its assessment as quickly as possible, bearing in mind the serious implications for innocent persons.

The Director of HR/ Vice President Academic Affairs should be notified of the outcome of the assessment/investigation. This will assist management in reaching a decision about the action to be taken in the longer term concerning the person against whom the allegation was made.

Chapter 6: Child Safeguarding Risk Assessment and the Child Safeguarding Statement

Statutory Obligations

The Children First Act 2015 places specific obligations on organisations which provide services to children and young people, including the requirement to:

- Keep children **safe from harm** while they are using your service
- Carry out a **risk assessment** to identify whether a child or young person could be harmed while receiving services
- Develop a **Child Safeguarding Statement** that outlines the policies and procedures which are in place to manage the risks that have been identified
- Appoint a **relevant person** to be the first point of contact in respect of the organisation's Child Safeguarding Statement

The organisations that have statutory responsibilities under the Children First Act 2015 are those that provide a relevant service to children and young people. Appendix 6 outlines a full list relevant services.

Organisations, already in existence, must complete the requirements for a risk assessment and Child Safeguarding Statement within three months of the relevant sections of the Children First Act 2015 coming into force on December 11th 2017.

7.1. Child Safeguarding Statement

The Children First Act 2015 requires organisations that are providers of relevant services to prepare a Child Safeguarding Statement. This is a written statement that specifies the service being provided and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the service is safe from harm.

To meet the requirements of the Children First Act 2015 DCU is required to develop a Child Safeguarding Statement which

- a) examines all aspects of the services DCU provides to children to establish whether there are any practices or features of the service/s that have the potential to put children at risk.
- b) outlines the policies and procedures which are in place to manage the risks that have been identified

A Child Safeguarding Statement has been prepared by DCU and is available at [this link](#).

7.2. Carrying Out a Risk Assessment

In order to comply with the statutory obligations all DCU faculties/offices/departments are required to contribute to the DCU Child Safeguarding Risk Assessment process, on an annual basis, to:

- identify additional risks (not already identified in the overarching DCU Risk Assessment) and the procedures/policies that are in place in the faculty/office/department to manage those risks.
- notify the DLP of the additional risks and the procedures / policies that are in place to manage those risks.

The DLP must then include additional risks identified and the procedures to manage them in the overarching DCU Child Safeguarding Risk Assessment Statement.

The risk assessment process is intended to enable faculties/offices/departments to:

- Identify potential risks.
- Develop policies and procedures to minimise risk by responding in a timely manner to potential risks.
- Review whether adequate precautions have been taken to eliminate or reduce these risks.

Appendix 2 contains a template to assist faculties/offices/departments in doing the risk assessment.

A step-by-step guide to risk assessment is included in the Child Safeguarding Statement (see Appendix 1)

While it is not possible to eliminate risk completely, risks can be significantly reduced if they are properly managed.

Appendix 1: Recognition of Child Abuse

Types of child abuse

Child abuse can be categorised into four different types:

1. Neglect
2. Emotional abuse
3. Physical abuse and
4. Sexual abuse.

A child may be subjected to one or more forms of abuse at any given time. The table below can be used as a guide to recognising these different types of abuse.

Who can abuse a child?

Abuse 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 protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser.

What constitutes abuse?

The important factor in deciding whether the behaviour is abuse is the impact of that behaviour on the child rather than the intention of the parent/carer. You should refer to section 2.6.1 of this document for more information about the threshold of harm for child abuse.

What makes a child more vulnerable to harm?

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. 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 can all be more vulnerable to bullying. In addition 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.

A list of the range of issues in a child's life that may place them at greater risk of abuse is contained in Chapter 2, p11, of Children First 2017.

What about bullying?

Bullying includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. It can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral may need to be made to Tusla and/or An Garda Síochána in accordance with the DCU reporting procedures.

Types of Abuse	Possible Physical Indicators	Possible Behavioural Indicators
Physical Abuse	<ul style="list-style-type: none"> • Bite marks • Bruises • Burns • Broken bones • Hair missing in tufts 	<ul style="list-style-type: none"> • Overly compliant, shy, withdrawn, passive • Uncommunicative • Regression • Fear of parent/carer or relative • Avoidance of physical contact

	<ul style="list-style-type: none"> • Arms and legs covered by clothing in warm weather • Lacerations and abrasions (especially to the eyes, lips, gums and mouth) • Missing or loosened teeth • Welts • Female genital mutilation 	<ul style="list-style-type: none"> • Unexplained or unlikely explanation of injury • Little or no emotion when hurt • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issue
Emotional Abuse	<ul style="list-style-type: none"> • Eating disorder • Lethargy or fatigue 	<ul style="list-style-type: none"> • Excessively compliant or passive • Excessively shy or withdrawn • Excessively neat or clean • Wetting, soiling, smearing • Low self-esteem • Poor peer relationships • Aggressive or delinquent behaviour • Reluctance to go home • Lack of trust • Highly anxious • Fearful when approached by an unknown person • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issues
Sexual Abuse	<ul style="list-style-type: none"> • Bruises or bleeding from vaginal or anal regions • Blood stained clothing • Pregnancy • Signs of pain, itching or discomfort in the anal or genital area • Urinary tract infections Wetting, soiling, smearing 	<ul style="list-style-type: none"> • Sexual behaviour or knowledge of sexual matters inappropriate to age or development • Sexual behaviour that is harmful to self or others • Disclosure of involvement in sexual activity directly to an adult, indirectly to a friend or in a disguised way, e.g. "I know a person who..." • Decline in school performance • Poor attention or school refusal • Regression to infantile behaviour, e.g. thumb-sucking, rocking • Unexplained fears Anxiety • Sadness • Running away from home • Resistance to having contact with or fear of a parent/carer/relative • Eating disorder • Volatile substance use • Criminal sexual behaviour • Anger and defiance • Deliberate cruelty to animals • Helplessness • Aggression • Social withdrawal or isolation

		<ul style="list-style-type: none"> • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issues
Neglect	<ul style="list-style-type: none"> • Poor hygiene • Dirty and unwashed • Lack of adequate or suitable clothing • Lack of medical or dental care • Development delays • Untreated physical or medical problems, e.g. sores, boils or lice 	<ul style="list-style-type: none"> • Always attends school even when sick • Frequent lateness or absence, early arrival at school or reluctant to leave • Falling asleep in school, constant fatigue • Dull, apathetic appearance • Steals, hoards or begs for food • Consistently hungry • Engages in vandalism • Frequent illness, minor infections or sores • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issues

Please note: Most child abuse or neglect is not identified based on a single event or indicator. Indicators usually occur in clusters and in some cases there may be no indicators of abuse occurring. The above indicators may lead to a concern that a child is being subjected to abuse. Indicators should be considered in the context of the child's age, capabilities, medical and developmental history.

Appendix 2a:

DCU Child Safeguarding Risk Assessment Template for DLP Use

List of DCU Activities	Risk of Harm in respect of the activity	Procedures / Protocols in place to address risk of harm identified	Likelihood of the risk occurring: L/M/H	Who is responsible for the risk?

In undertaking this risk assessment, DCU has endeavoured to identify as far as possible the risks of harm that are relevant to all faculties, offices and departments and to ensure that adequate procedures are in place to manage and address all risks identified.

While it is not possible to foresee and remove all risk of harm, DCU has in place the procedures listed in this risk assessment to manage and reduce risk to the greatest possible extent.

This risk assessment has been completed on behalf of DCU by the DLP..... [date].

It shall be reviewed as part of the annual review of the DCU Child Safeguarding Statement.

Signed _____ Date _____

Designated Liaison Person

Appendix 2b:
Additional Child Safeguarding Risk Assessment Template for faculties/offices/departments

In accordance with section 11 of the Children First Act 2015 and with the requirement of the DCU Child Protection Procedures 2017, the following is the Written Risk Assessment of **Additional Risks identified** by (name of faculty/office/department).

Activity/Practice	Risk of harm identified in respect of this activity/practice	Procedures/policy in place to address the risks of harm identified in this activity/practice	Likelihood of the risk occurring: L/M/H	Who is responsible for the risk?

Important Note: It should be noted that risk in the context of this risk assessment is the risk of “harm” as defined in the Children First Act 2015 and not general health and safety risk.

This additional risk assessment has been completed by _____ (insert name of person) on behalf of the faculty/office/department on[date].

It shall be reviewed as part of the annual review of its Child Safeguarding Statement.

Signed _____ Date _____

Add name and title of faculty/office/department signatory.

Appendix 3

Child Safeguarding Statement Template

In accordance with the requirements of the Children First Act 2015, Children First: National Guidance for the Protection and Welfare of Children 2017, the DCU Child Protection Procedures 2017 and Tusla Guidance on the preparation of Child Safeguarding Statements, DCU has prepared the Child Safeguarding Statement appended this document.

1. All DCU faculties/offices/departments shall adopt and implement fully and without modification the DCU Child Protection Procedures 2017 as part of this overall Child Safeguarding Statement.
2. The Designated Liaison Person (DLP) responsible for dealing with all child protection concerns in DCU is the Chief Operations Officer.
3. In the absence of the DLP the Deputy Designated Liaison Person (DDL) responsible for dealing with child protection concerns is the Deputy Chief Operations Officer.
4. DCU recognises that child protection and welfare considerations permeate all aspects of university life and therefore must be reflected in all of the university's policies, procedures, practices and activities.

In adhering to the following key principles of best practice in child protection and welfare all university members will:

- recognise that the protection and welfare of children is of paramount importance, regardless of all other considerations;
- fully comply with statutory obligations under the Children First Act 2015 and other relevant legislation relating to the protection and welfare of children;
- fully co-operate with the relevant statutory authorities in relation to child protection and welfare matters;
- adopt safe practices to minimise the possibility of harm or accidents happening to children and protect workers from the necessity to take unnecessary risks that may leave them open to accusations of abuse or neglect;
- where appropriate, develop a practice of openness with parents and encourage parental involvement in the education of their children; and
- fully respect confidentiality requirements in dealing with child protection matters.

All university members will also adhere to the above principles in relation to any adult with a special vulnerability.

5. The following procedures/measures are in place:

- In relation to any employee who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child attending DCU, university members will adhere to the relevant procedures set out in the DCU Child Protection Procedures 2017 and to the relevant agreed disciplinary procedures for university employees.
- In relation to the reporting of child protection concerns to Tusla, all university members are required to adhere to the procedures set out in the DCU Child Protection Procedures 2017, including in the case of mandated persons reporting under the Children First Act 2015.

Please note: All child protection concerns must be channelled through the DLP who is the person responsible for making reports to Tusla, An Garda Síochána, DCU governing body and other external agencies. (In the event that the concern relates to the DLP the concern must be reported to the DCU President)

- The Designated Liaison Person (DLP) responsible for dealing with all child protection concerns in DCU is the Chief Operations Officer.
- In the absence of the DLP the Deputy Designated Liaison Person (DDL) responsible for dealing with child protection concerns is the Deputy Chief Operations Officer.
- The DLP as the 'relevant person' (as defined in the Children First Act 2015) is the first point of contact in respect of the DCU Child Safeguarding Statement.

- In accordance with the Children First Act 2015, DCU has carried out an assessment of any potential for harm to a child while attending DCU or participating in DCU activities. A written assessment setting out the areas of risk identified and the DCU procedures for managing those risks is attached as an appendix to these procedures (See appendix 2a). **Note:** Individual faculties/offices/departments shall be required to contribute to the development of the DCU Child Safeguarding Statement by outlining other policies and procedures that are in place in the faculty/office/department to manage additional risks that have been identified by members of DCU in that faculty/office/department (See 6 below)
- The Child Safeguarding Statement will be reviewed annually or as soon as practicable after there has been a material change in any matter to which this statement refers.
- All external parties, subsidiary companies, organisations, agencies and groups (e.g. Summer residency programmes / activities, Campus Accommodation and Retail Outlets), operating both within the DCU campus and on behalf of DCU, will be required to have a child protection policy, in line with the requirements of Children First (2017).
- All such subsidiary companies, organisations, agencies and groups will be required to furnish the DLP with a copy of their child safeguarding statement.

6. All faculties/offices/departments will ensure the following procedures/measures are in place:

- In relation to the provision of information and, where necessary, instruction and training in respect of the identification of the occurrence of harm (as defined in the 2015 Act)
 - A copy of the DCU Child Protection Procedures and the DCU Child Safeguarding Statement including the Risk Assessment is made available to all members of the faculty/office/department online
 - All members avail of appropriate training as has been identified in the risk assessment
 - A record is maintained of training undertaken by members
- In relation to the selection or recruitment of employees and their suitability to work with children, all faculties/offices/departments will adhere to the statutory vetting requirements of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and to the wider duty of care guidance set out in relevant DCU recruitment procedures.
- The DCU Child Protection procedures, the DCU Child Safeguarding Statement, including the Risk Assessment, can be accessed via the COO website.
- The name and contact details of the **Designated Child Protection Contact Person** are displayed prominently on the faculty website.
- Where appropriate, the DCU Child Safeguarding statement, including the Risk assessment is readily accessible to parents and guardians on request

Note: The above is not intended as an exhaustive list. Individual faculties/offices/departments shall also include in this section such other procedures/measures that are of relevance to the faculty/office/department in question.

- The DCU Child Safeguarding statement shall be published on the DCU website.
- This Child Safeguarding Statement will be reviewed annually or as soon as practicable after there has been a material change in any matter to which this statement refers.

The DCU Child Safeguarding Statement was adopted by DCU on _____ [date].

Signed: _____ Signed: _____

Add: Name and Title of persons signing the Child Safeguarding Statement.

Date: _____ Date: _____

Appendix 4

Schedule of Relevant Services under the Children First Act 2015

Schedule 1 of the Children First Act 2015 defines Relevant Services as:

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
 - (a) an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991,
 - (b) a school or centre of education, both within the meaning of the Education Act 1998,
 - (e) any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children, (d) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991
 - a children detention school within the meaning of section 3 of the Children Act 2001
 - a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or
 - (f) a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.
2. Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.
3. Any work or activity which consists of the inspection, examination or investigation by the of the Ombudsman for Children under the Ombudsman for Children Act 2002.
4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.
5. Any work or activity which consists of the provision of —
 - (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,
 - (b) care or supervision of children, or
 - (c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether or not for commercial or any other consideration.
6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.
8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.
Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with, children.

Appendix 5

Schedule of Mandated Persons under the Children First Act 2015

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

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probationer 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 members 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 6 The Role of Tusla and An Garda Síochána

5.1 The Role of Tusla

The specific role of Tusla is to promote the welfare of children who are at risk of not receiving adequate care and protection. Under the Child Care Act 1991, Tusla is obliged to coordinate information from all relevant sources about a child who may not be 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.

Tusla has the statutory responsibility to assess all reports of child welfare and protection concerns. Assessments are carried out by Tusla social workers. If concerns are found after the initial checks, further evaluation involving a detailed examination of the child and family's circumstances will follow. If concerns about a child's welfare are found, but do not involve a child protection issue, then the family may be referred to community or family support services. If no concerns are found, then the information gathered is recorded and kept on a confidential file where it will be examined if further concerns or more information comes to light.

Tusla operates through duty teams of social workers that receive child protection reports, assess and prioritise referrals and provide protective interventions to children and their families. Each team deals with the concerns that arise in its specific geographical area by reference to the home address of the child. You can find contact details for each team on the Tusla website (www.tusla.ie).

If it is decided that a social work assessment is needed, the social worker will contact the family to ask for their cooperation in carrying out an examination of the child's and family's needs. The aim is to work in cooperation with parents or guardians to determine the appropriate supports or interventions to ensure the safety and welfare of the child. Further information on this process is contained in Chapter 5 of Children First 2017 available at [this link](#).

Tusla will normally acknowledge reports made to it, and may contact the person who made the report for further information, if necessary. However, to protect the privacy of the child and family, it may not be possible for Tusla to inform those that report of the progress or outcome of Tusla's contact with the child or family, unless that person is involved in discussions around family support or child protection plans.

2. The Role of An Garda Síochána

The role of An Garda Síochána is to investigate alleged crimes and it is the responsibility of the Director of Public Prosecutions (DPP) to decide on and carry out prosecutions.

The National Vetting Bureau of An Garda Síochána issues vetting disclosures to organisations employing people who work on a full-time, part-time, voluntary or student placement basis with children and/or vulnerable adults. The National Vetting Bureau does **not** decide on the suitability of any person to work with children and vulnerable adults. Rather, in response to a written request for vetting, the National Vetting Bureau releases criminal history and other specified information on the person to be vetted to the prospective recruiting organisation. Decisions on suitability for recruitment rest at all times with the recruiting organisation, and the results of vetting should form only one part of the recruitment decision.

3. Joint working between Tusla and An Garda Síochána

Joint working between Tusla and An Garda Síochána forms an integral part of the child protection and welfare service. If Tusla suspects that a crime has been committed and a child has been wilfully neglected or physically or sexually abused, it will formally notify the Gardaí without delay. The specific focus of An Garda Síochána concerning child abuse and neglect is on preserving life; vindicating the human rights of each individual; and preventing, investigating and detecting criminal offences. On the basis of the investigation, An Garda Síochána may prepare a file for the Director of Public Prosecutions, who will decide whether to initiate a prosecution.

Where a child is at immediate risk of harm, Tusla and An Garda Síochána will work together to ensure the safety of the child. If a member of the Gardaí has reasonable grounds for believing that there is an immediate and serious risk to the health or welfare of a child, and it would not be sufficient for the protection of that child to await the making of an application for an emergency care order by Tusla, they may, under section 12 of the Child Care Act 1991, remove the child from danger and bring them to a place of safety. The child is then delivered to the care of Tusla as soon as possible. An emergency out-of-hours social work service provides social work consultation and advice to the Gardaí. The Gardaí have access to an on-call social worker and placements for children who need them due to the immediate risk to their safety. Tusla has a network of emergency foster carers available to receive a child removed from their family in an emergency.

If, in the course of their duties, the Gardaí become aware of a child welfare and protection concern, it should be formally reported to Tusla. As members of An Garda Síochána are mandated persons under the Children First Act 2015, if the concern is at or above the threshold of a mandated concern, this should be reported to Tusla, as outlined in Chapter 3 of this *Guidance*.

A protocol (*Tusla and An Garda Síochána Children First – Joint Working Protocol for Liaison between both Agencies*) is in place between the two agencies that details how they cooperate and interact in dealing with child welfare and protection concerns. This protocol specifically covers the formal communication required between the two agencies about notifications of child welfare or protection concerns, and record keeping about joint working and recording of decisions. You can find this protocol on the websites of both agencies (www.tusla.ie and www.garda.ie).

Appendix 7: 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 a person reports 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. A person who makes a report in good faith and in the child's best interests, may also be protected under common law by the defence of qualified privilege.

The Act created an offence of false reporting of child abuse where a person makes a report of child abuse to a designated officer of Tusla or of the Health Service Executive (HSE) or to a member of An Garda Síochána "knowing that statement to be false". This is a criminal offence designed to protect innocent persons from malicious reports.

A full list of persons in Tusla and the HSE, who are designated officers under the 1998 Act, can be found on the website of each agency (www.tusla.ie and www.hse.ie).

CRIMINAL JUSTICE ACT 2006 - Reckless Endangerment

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. Accordingly it is very important to note that

- the fact that a member of DCU has dealt with a child protection or welfare concern in accordance with these procedures and/or reported it under the Children First Act, 2015 does not absolve that person of his or her statutory obligation to disclose information to An Garda Síochána under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 where that person has information that falls within the scope of that Act **or**

- the fact that a member of DCU has disclosed information to An Garda Síochána does not absolve that person of his or her obligations to report concerns to Tusla in accordance with the requirements of these procedures and/or in accordance with requirements of 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

This Act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children. The schedule of relevant services under the Children First Act 2015 is contained in Appendix 6 of these procedures. A full schedule of mandated persons under the Children First Act 2015 is contained in Appendix 6 of these procedures

Through the provisions of the Act, it is intended to:

- Raise awareness of child abuse and neglect
- Provide for mandatory reporting by key professionals
- Improve child safeguarding arrangements in organisations providing services to children
- Provide for cooperation and information-sharing between agencies when Tusla – Child and Family Agency, is undertaking child protection assessments

The Children First Act 2015 will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

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.

FREEDOM OF INFORMATION ACTS 1997, 2003 & 2014

Any reports which are made to Tusla may be subject to the provisions of the Freedom of Information Acts, which enable members of the public to obtain access to personal information relating to them which is in the possession of public bodies. However, the Freedom of Information Acts also provide that public bodies may refuse access to information obtained by them in confidence.

The exemptions and exclusions which are relevant to child protection include the following:

- a) protecting records covered by legal professional privilege;
- b) protecting records which would facilitate the commission of a crime;
- c) protecting records which would reveal a confidential source of information.

DCU management bodies should note that records forwarded to a public body by all members of the DCU community and held by that body may be subject to the provisions of the Freedom of Information Acts.

DATA PROTECTION LEGISLATION

The Irish Data Protection Acts (1988 to 2018), along with the 2016 General Data Protection Regulation (GDPR), are designed to protect the rights of individuals with regard to personal data. The law defines personal data as “data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, possession of the data controller”.

The law gives a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes, and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

Appendix 8: Internal Reporting Form

Section A Complainant's Details
<p>Details of Complainant:</p> <p>Anonymous code given:</p>
Section B Reporting Considerations under Children First, 2017
<p>1. Does a report require to be made by a mandated person or the DLP in line with this Policy? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p>If "Yes" : Brief description of incident or disclosure:</p> <p>Date disclosed: Date of incident (if known): <u>Details of alleged perpetrator (if known):</u> Name: Address:</p> <p>Gender: Age: Relationship to the complainant:</p>
IF THERE ARE REASONABLE GROUNDS, CONTACT MUST BE MADE WITH TULSA FORMALLY OR INFORMALLY
Section C Reporting Considerations under The Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 ("the Act")
<p>1. Is there knowledge or belief that a serious offence (as listed in Schedule 1 to the Act) has been committed? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p>If "Yes" please give details and complete Section C; if "No" continue to Section D:</p>
<p>2. Is there information that might be of material assistance in securing the apprehension, prosecution or conviction of the offender? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p>

Please give details to justify the answer Yes or No:

3. If the answer to 1 and 2 above is “Yes”, is there any reasonable excuse for nondisclosure of this information to An Garda Síochána?

Yes: No:

If “Yes” please give details:

IF THE ANSWER TO QUESTION 1 AND 2 ABOVE IS “YES” AND THE ANSWER TO QUESTION 3 IS “NO”, A REPORT SHOULD BE MADE TO AN GARDA SÍOCHÁNA. NB: A REPORT MAY BE MADE TO AN GARDA SÍOCHÁNA AT ANY STAGE IF THE SITUATION WARRANTS IT, REGARDLESS OF THE REQUIREMENTS OF THE ACT.

Section D Reporting Considerations under general Ethical Obligations

Notwithstanding the specific reporting considerations outlined at Sections B and C above, are there any additional child protection concerns that should be reported to Tusla and/or to An Garda Síochána in the best interest of a child or children?

Yes: No:

If “Yes” please give details and complete Section C; if “No” continue to Section D:

Section E Where a report has been made in the best interest of a child, please record who has been contacted in relation to this incident (if no report has been made this section should be marked “N/A” (Not Applicable). This may include details of personnel within Tusla and/or An Garda Síochána, the parents/legal guardian of the child and the child.

Name(s):

Profession(s)/relationship to Child:

Time(s):

How was report made (i.e. verbally in person or by telephone or in writing/email)?

Name and title of person who made the report:

Section F Follow Up

Where any child protection concern arose, was the complainant signposted to an agency or agencies that could provide appropriate advice and support?

Yes: No: Not recorded:

If "Yes" please give details:

If "No" or "Not recorded" should consideration be given to providing such information now?

Yes: No:

If "Yes" please give reasons:

If "No" please give reasons:

Section G Details of the person completing this form

Name:

Role:

Date:

Signature:

Signature of DLP:

Date of Review by DLP