

TUSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Information for Mandated Persons in TUSLA



All Tusla staff are required to report child protection or welfare concerns that meet reasonable grounds for concern to Tusla Social Work as outlined in the [Children First: National Guidance for the Protection and Welfare of Children](#). The Guidance sets out definitions of abuse, and signs for its recognition.

In addition, the [Children First Act 2015](#) places a legal obligation on mandated persons to report harm of a child at or above a defined threshold to Tusla.

Many Tusla staff members will know if they are a Mandated Person, however, if in doubt the staff member should consult Schedule 2 of the Children First Act 2015. Staff should also consult with their line manager to determine if they are a mandated person as per the Children First Act 2015. Line Managers of Mandated Persons should inform new staff of their Mandated Person responsibility, and this should be discussed within Supervision¹.

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

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

All Tusla staff must consult and be aware of the Tusla Policy for Staff Reporting Child Protection and Welfare concerns. This is available at <https://www.tusla.ie/uploads/content/Tusla-Policy-for-Staff-Reporting-of-Child-Protection-and-Welfare-Concerns-Final.pdf>

The Mandated Assisting Protocol, which sets out Tusla's processes for formally requesting assistance is available at <https://www.tusla.ie/children-first/mandated-persons/what-is-mandated-assisting/>

Under the Children First Act 2015, mandated persons must, by law, report to the Tusla Social Work service any knowledge, belief, or reasonable suspicion, based on information acquired in the course of their professional work or employment, that a child has been harmed, is being harmed or is at risk of being harmed.



The Children First Act 2015 defines harm as follows:

'harm' means, in relation to a child— (a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare, or (b) sexual abuse of the child, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise.

1. Tusla is required to have a procedure to maintain a list of mandated persons in the Agency and it is available here <https://www.tusla.ie/uploads/content/Tusla-Mandated-Person-Procedure-final.pdf>

Under the Children First Act 2015, mandated persons must, by law, report to the Tusla Social Work service any knowledge, belief, or reasonable suspicion, based on information acquired in the course of their professional work or employment, that a child has been harmed, is being harmed or is at risk of being harmed.

Please note:

Section 14(2) of the Children First act 2015 also places obligations on mandated persons to report any disclosures made by a child where a child believes that he or she has been harmed, is being harmed, or is at risk of being harmed, and discloses that belief to a mandated person in the course of the mandated person's employment or profession.

As a Mandated person you also have a responsibility to make a mandated report to Tusla under section 14(1) (a) of the Children First Act 2015 where adults disclose childhood abuse and you establish that there are reasonable grounds to suspect that a person who is currently a child has been, is being, or is at risk of being harmed. You should report these concerns to the Dedicated Contact Point using the Tusla Retrospective Abuse Report Form available on the [Tusla Online Portal](#).



All Tusla staff need to be familiar with and follow the [Tusla Staff Procedure for reporting of Child Protection and Welfare Concerns](#).

For mandated persons, if your concern meets or exceeds the threshold for harm as defined in the Children First Act 2015 you must report using the [Tusla Online Portal](#) and you should clearly identify that the report is a mandated report made under the Children First Act 2015. It is Tusla policy that mandated reports should be made known to your line manager and may be made jointly where appropriate.

It is important to note that the statutory obligation of mandated persons to make a mandated report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by a line manager/ any other person on their behalf; a joint report, as outlined above, will meet the mandated person's responsibility under the Act. Please consult the [Tusla Staff Procedure for Reporting Child Protection and Welfare Concerns](#).

A mandated person in Tusla is not required to make a mandated report to Tusla where the sole basis for the mandated person's knowledge, belief or suspicion is as a result of information he or she has acquired, received or become aware of from either another mandated person, or a person, other than a mandated person, who has reported to Tusla jointly with a mandated person.

A mandated person can also make a non-mandated report. All Tusla staff (including mandated persons) should always report to the relevant Tusla social work department through the Tusla Online Portal when they have reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.

As a mandated person you can access the Tusla out-of-hours social work service on telephone 0818 776 315 between 6pm and 6am every night, and between 9am and 5pm on Saturdays, Sundays and bank holidays.

If you cannot contact a Tusla Social Work Department and have an immediate concern about the safety of a child, please contact An Garda Síochána without delay and then follow up with a written report to the social work department.

Please note:

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report under the Act is a criminal offence under that legislation. This obligation is in addition to any obligations under the Children First Act 2015 or when reporting safeguarding concerns that meet reasonable grounds for concerns under Children First, National Guidance for the Protection and Welfare of Children. Please consult your line manager if you require any further information.

**Key Resources**

Tusla has three Children First eLearning Programmes for Tusla staff which are available at <https://www.hseland.ie/dash/Account/Login>

An Introduction to Children First:

This programme is aimed at all staff of Tusla. Aim: The aim of the programme is to help staff recognise child abuse and to report a concern in relation to a child's welfare or protection.

Implementing Children First in Tusla:

This programme aims to support all Tusla staff in implementing the Tusla Child Safeguarding Statement in line with the expectations of the Children First Act 2015. Duration: 30 minutes Who Should Take This: All Tusla staff

Children First in Action – Tusla's Response to a Child Protection & Welfare

Concern: This programme informs Tusla staff of the impact of the Children First Act 2015 and Children First: National guidelines on how Tusla responds to a Child Protection and Welfare report. This is aimed at Social Work, Social Care, Therapeutic Services, Educational Welfare and DSGBV.

Tusla has also developed a Mandated Person eLearning module and short explainer video on the role of a Mandated Person, both are available here:

<https://www.tusla.ie/children-first/mandated-persons/>

