

# Joint Working Protocol for An Garda Síochána/ Tusla – Child and Family Agency Liaison

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Children  
First



**TUSLA**  
An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency





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# 1. Introduction

Tusla – Child and Family Agency and An Garda Síochána are the key agencies empowered by law to carry out assessments and investigations, respectively, of suspected child abuse and neglect. Each agency manages the responsibility within its brief and their joint efforts are designed to ensure that the protection and welfare of children receives priority attention. Their separate and complementary roles require careful understanding if the shared objectives of child protection are to be realised.

It is essential that enquiries by Tusla and An Garda Síochána are coordinated to ensure that:

- ⇒ The safety and welfare of the child is promoted;
- ⇒ Everything possible is done to assist the criminal investigation;
- ⇒ Everything possible is done to assist the child protection and welfare assessment;
- ⇒ There is an effective flow of relevant information between both agencies;
- ⇒ Decisions and actions follow consultation within and between both agencies.

Joint working between Tusla and An Garda Síochána forms an integral part of the child protection and welfare service. The specific focus of Tusla is on the assessment of the protection and welfare of the child. The function of An Garda Síochána concerning child abuse and neglect is to preserve life; vindicate the human rights of each individual; and prevent, investigate and detect criminal offences. A Liaison Management Team (see paragraph 10.1 of this document) oversees the interagency liaison between An Garda Síochána and Tusla, ensuring the liaison is maintained and that each reported child protection and welfare concern receives an appropriate response.

This document aims to set out the various tasks undertaken by Social Workers in Tusla and the roles and obligations of An Garda Síochána in safeguarding children. It will also set out the joint working procedures to be undertaken. This document should be read in conjunction with *Children First: National Guidance for the Protection and Welfare of Children (2017)*.

## 2. Legal Mandate

Social Workers work in compliance with the Child and Family Agency Act 2013 and the Child Care Act 1991, as amended, the main child protection and welfare provisions of which are:

- ⇒ The placing of a statutory duty on Tusla to promote the development, welfare and protection of children who are not receiving adequate care and protection up to the age of 18;
- ⇒ The strengthening of the powers of Tusla to provide child care and family support services;
- ⇒ The improvement of the procedures to facilitate immediate intervention by Tusla and An Garda Síochána when children are in danger;
- ⇒ The revision of provisions to enable the Courts to place children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk, in the care of or under the supervision of Tusla.

The function of An Garda Síochána, as provided for in Section 7(1) of the Garda Síochána Act 2005, is “to provide policing and security including vetting services for the State with the objective of:

- (a) Preserving peace and public order,
- (b) Protecting life and property,
- (c) Vindicating the human rights of each individual,
- (d) Protecting the security of the State,
- (e) Preventing crime,
- (f) Bringing criminals to justice, including by detecting and investigating crime, and
- (g) Regulating and controlling road traffic and improving road safety.”

In accordance with Section 7(2) of the Garda Síochána Act 2005, An Garda Síochána shall, for the purpose of achieving the above-mentioned objective, “cooperate, as appropriate, with other Departments of State, agencies and bodies having, by law, responsibility for any matter relating to any aspect of that objective.”

An Garda Síochána is also conferred with certain powers pursuant to the Child Care Act 1991 to promote the protection and welfare of children, including the removal of children to safety without warrant (Section 12 of the Child Care Act 1991).

The Children First Act 2015 requires mandated persons to report certain types of child abuse to Tusla. In accordance with Section 14 of the Children First Act 2015 all members of An Garda Síochána are mandated persons.

## 3. Types of Abuse

### 3.1 The Children First Act 2015

Defines “harm” in relation to a child as:

- (a) “assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or
- (b) sexual abuse of the child

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

### 3.2 *Children First: National Guidance for the Protection and Welfare of Children (2017)*

Defines the following four categories of child abuse:

1. **Neglect** occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child’s health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child’s health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child’s life as well as the age of the child and the frequency and consistency of neglect.
2. **Emotional abuse** is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse

occurs when a child's basic needs for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

3. **Physical abuse** is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/or development is, may be, or has been damaged as a result of suspected physical abuse.
4. **Sexual abuse** occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

### 3.3 Child Welfare

There are many situations that do not present as child abuse but where a problem experienced directly by the child, or by the family of a child, is judged to impact negatively on the child's health, development and welfare and warrants assessment and support by Tusla.

## 4. Notifications by Tusla to An Garda Síochána

### 4.1 Cases to be Formally Notified by Tusla to An Garda Síochána

When a Social Worker suspects that a child has been or is being physically or sexually abused or wilfully neglected, An Garda Síochána must be formally notified without delay. The Social Worker is not expected to routinely notify suspected cases of non-wilful emotional abuse or circumstantial neglect to An Garda Síochána since the circumstances of such cases may not constitute criminal acts. However, some cases of neglect and emotional abuse may amount to criminal offending.



Wilful neglect constitutes an offence contrary to Section 246 (1) and (5) of the Children Act 2001.

Emotional abuse by a person who has the custody, charge or care of a child may constitute a criminal offence contrary to Section 246(1), (6) and (7) of the Children Act 2001 where that child is:

- ⇒ Wilfully ill-treated (which includes frightening, bullying or threatening the child in a manner likely to seriously affect the child's wellbeing, including the child's mental or emotional health or wellbeing);
- ⇒ Wilfully exposed, caused, procured or allowed to be ill-treated in a manner likely to seriously affect the child's wellbeing, including the child's mental or emotional health or wellbeing.

In cases of doubt, the Social Worker will informally consult with An Garda Síochána as to whether a notification may be appropriate. Social Workers and members of An Garda Síochána will ensure details of any informal consultation are recorded.

The process of establishing whether grounds exist for suspecting such abuse may involve consulting other relevant professional personnel within Tusla and, where appropriate, in outside agencies. The Social Worker must not await confirmation of such abuse, whether from a child abuse assessment unit or otherwise, before notifying An Garda Síochána. In this regard, Tusla must also comply with any requirements under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

In accordance with Section 2 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, any person, including a Tusla Social Worker, who:

- ⇒ “knows or believes that an offence, that is a Schedule 1 offence, has been committed by another person against a child, and
- ⇒ he or she has information which he or she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence”

must disclose that information, as soon as it is practicable, to a member of An Garda Síochána. ‘The ‘Child and Family Agency to An Garda Síochána – Notification Form’ (Appendix 2) will be used by Tusla for this purpose.

## 4.2 Procedure for Tusla to Notify An Garda Síochána of Child Protection and Welfare Concerns

The procedure for Tusla to notify An Garda Síochána of a suspected case of emotional, physical or sexual abuse, or intentional neglect of a child is as follows:

- ⇒ The Social Worker, in consultation with the Social Work Team Leader, decides on the cases where it is appropriate to notify An Garda Síochána.
- ⇒ The Social Work Team Leader in Tusla sends the Notification Form (Appendix 2) to the Garda Superintendent responsible for the District in which the reported incident has occurred. Where more than one child is involved, a separate Notification Form must be sent in respect of each child. A copy will be retained on the child's file. The Social Worker handling the case (or other designated person) is named on the form.
- ⇒ On receipt of the Notification Form (Appendix 2) the Garda Superintendent arranges for the appointment of an investigating Garda and immediately informs the Social Work Team Leader of the Garda's official contact details.
- ⇒ The investigating Garda will make direct contact without delay with the designated Social Worker (or other designated person) in order to obtain details of the case.
- ⇒ When contact is established a strategy discussion (see paragraph 9.2) between the Social Worker and investigating Garda takes place or a strategy meeting is arranged, where deemed appropriate. Further strategy meetings may then be arranged as appropriate to the case.
- ⇒ The Social Worker must complete the required sections of the 'Child and Family Agency/An Garda Síochána Actions Form' (Appendix 3) i.e. the 'Strategy Discussion' and/or 'Strategy Meeting' sections. The 'Strategy Meeting' section of the Actions Form must be counter-signed by the investigating Garda.
- ⇒ The Liaison Management Team (see paragraph 10.1) oversees their respective investigation/assessment and monitors its progress.
- ⇒ Where contact cannot be established after a reasonable period between the Social Worker and the investigating Garda, the matter will revert immediately to the Liaison Management Team for resolution.

## 4.3 Informal Consultation

In cases where Tusla is aware of concerns about a child but is unable to establish whether a criminal offence may have been committed, Tusla will consult with An Garda Síochána. Such contact is to be actively encouraged in order to protect the welfare of the child concerned. Social Workers and members of An Garda Síochána will ensure details of any informal consultation are recorded.

## 4.4 Emergency Intervention

In circumstances where a child’s immediate safety is deemed to be at risk, the Social Worker is obliged to take immediate steps to ensure protective action is taken. It is essential that the Social Worker informs An Garda Síochána as soon as possible of any actions taken or planned. In some cases, Tusla may request the assistance of An Garda Síochána in making an emergency intervention (for example Section 12, Section 13 or Section 35 of the Child Care Act 1991) and forward the Notification Form (Appendix 2) as soon as circumstances permit.

# 5. Notifications by An Garda Síochána to Tusla

## 5.1 Cases to be Formally Notified by An Garda Síochána to Tusla

Members of An Garda Síochána shall notify Tusla of potential child protection and welfare concerns under one of the following categories:

- ⇒ Children First Act 2015
- ⇒ *Children First: National Guidance for the Protection and Welfare of Children (2017)*
- ⇒ Child welfare concerns

### 5.1.1 Children First Act 2015

In accordance with Section 14(1) of the Children First Act 2015, where a member of An Garda Síochána, being a mandated person for the purposes of the Act knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of, that a child has been harmed<sup>1</sup>, is being harmed, or is at risk of being harmed, he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, on the ‘An Garda Síochána to Child and Family Agency – Notification Form’ (Appendix 1).

<sup>1</sup> “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; (Section 2, Children First Act 2015).

### 5.1.2 *Children First: National Guidance for the Protection and Welfare of Children (2017)*

Where a member of An Garda Síochána has reasonable grounds for concern that a child has been, or is at risk of being, the victim of emotional, physical or sexual abuse or neglect, Tusla must be formally notified on the Notification Form (Appendix 1). It is not necessary for An Garda Síochána to have sufficient evidence to support a criminal prosecution before notifying Tusla.

An Garda Síochána will also notify Tusla of cases that give rise to a potential risk to the welfare of other children, such as when a suspected abuser has on-going contact with other children.

### 5.1.3 *Child Welfare Concerns*

Notification of a child welfare concern can be made by a member of An Garda Síochána to Tusla. The reporting Garda completes a Notification Form (Appendix 1), which is forwarded by his/her Designated Officer to the relevant Principal Social Worker of Tusla.

Note: The ‘Child and Family Agency/An Garda Síochána Actions Form’ (Appendix 3) is only initiated by Tusla for child protection notifications and not child welfare concerns.

## 5.2 Procedure for An Garda Síochána to Notify Tusla of Child Protection and Welfare Concerns

The procedure for An Garda Síochána to notify Tusla of a suspected case of emotional, physical or sexual abuse, neglect or welfare of a child is as follows:

1. Where a member of An Garda Síochána has reason to report a child protection or welfare concern to Tusla he/she must complete a Notification Form (Appendix 1) indicating, as required on the form, whether the report is made:
  - (a) Pursuant to Section 14 of the Children First Act 2015 (mandated reporting);
  - (b) In accordance with *Children First: National Guidance for the Protection and Welfare of Children (2017)*;
  - (c) Welfare concerns (see paragraph 3.3).
2. The completed Notification Form (Appendix 1) is then sent by the Garda member through the normal channels to the Superintendent responsible for the District in which the incident has occurred.
3. The Garda Designated Officer sends the Notification Form (Appendix 1) for the attention of the Principal Social Worker of Tusla responsible for the area where the child resides. A copy of the completed Notification Form is retained by An Garda Síochána. Where more than one child is involved, a separate Notification Form must be sent in respect of each child.

An Garda Síochána will also notify Tusla of other children, or groups of children, with whom the alleged abuser is believed to have on-going contact.

4. Upon receipt of the Notification Form (Appendix 1), the Principal Social Worker within Tusla arranges for a Social Worker to be assigned to the case. He/she immediately acknowledges receipt of the Notification Form and informs the Garda Superintendent of the contact details of the designated Social Worker.
5. The Social Worker makes direct contact without delay with the reporting Garda in order to obtain details of the case.
6. When contact is established a strategy discussion takes place or a strategy meeting is arranged, where deemed appropriate, by the Social Worker in consultation with the investigating Garda. Further strategy meetings may then be arranged as appropriate to the case.
7. At each strategy meeting the Social Worker completes the 'Strategy Meeting' section of the Actions Form (Appendix 3), which must be counter-signed by the investigating Garda.
8. The Liaison Management Team (see paragraph 10.1) oversees the investigation/assessment and monitors its progress.
10. Where contact cannot be established after a reasonable period between the Social Worker and the investigating Garda, the matter will revert immediately to the Liaison Management Team for resolution. Social Workers and members of An Garda Síochána will ensure details of any informal consultation are recorded.

### 5.3 Informal Consultation

Where a member of An Garda Síochána is aware of a child protection or welfare concern the Garda will consult with Tusla where any advice or clarity is required prior to the completion of a Notification Form (Appendix 1). Such contact is to be actively encouraged in order to protect the welfare of the child concerned.

### 5.4 Emergency Intervention

There may be occasions when An Garda Síochána has to take immediate action to protect a child without first notifying Tusla. It is essential that An Garda Síochána informs Tusla as soon as possible of any actions taken, verbally if necessary, and then by forwarding the Notification Form (Appendix 1) as soon as circumstances permit.



## 6. Role of the Investigating Garda and Social Worker

### 6.1 Role of the Investigating Garda

When a suspected case of child abuse or neglect comes to the attention of a member of An Garda Síochána, the first consideration is the immediate safety of the child and any other children that may be at risk. Following preliminary enquiries, the investigating Garda completes the Notification Form (Appendix 1), which is forwarded by his/her Designated Officer to the relevant Principal Social Worker in Tusla.

In some cases, a member of An Garda Síochána may have reasonable grounds for believing that there is an immediate and serious risk to the health or welfare of a child. In such circumstances, the Garda member may remove that child to safety pursuant to Section 12 of the Child Care Act 1991<sup>2</sup>, as amended, but only where 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 under Section 13 of the Child Care Act 1991. Where a child has been removed to safety by An Garda Síochána under Section 12 of the 1991 Act the child shall, as soon as possible, be delivered into the custody of Tusla.

Where a member of An Garda Síochána has invoked the provisions of Section 12 of the Child Care Act 1991, as amended, when necessary, an investigation shall be commenced into the circumstances which caused the immediate and serious risk to the health and welfare of the child and whether that amounts to suspected child abuse and/or neglect or any other offence.

To reduce the trauma experienced by victims of child abuse, selected members of An Garda Síochána and Tusla are trained as specialist interviewers to interview children and make an audio-visual recording of the interview for use in future court proceedings. The investigating Garda will refer certain cases to specialist interviewers in accordance with Garda policy (see paragraph 12).

In the course of an investigation members of An Garda Síochána have extensive powers to allow for the collection of evidence in relation to the majority of offences that constitute child abuse, including powers to:

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<sup>2</sup> There is a power to enter and remove by force, if necessary, a child to safety pursuant to Section 12 of the Child Care Act 1991.

- ⇒ Make application for warrants to search premises and vehicles;
- ⇒ Arrest and detain suspects;
- ⇒ Request information/evidence from individuals and organisations;
- ⇒ Arrest and detain persons for withholding information in certain circumstances.

When the investigation is complete, the investigating Garda submits an investigation file to the relevant Superintendent. In specified cases, the Superintendent must forward the investigation file to the Director of Public Prosecutions for directions as to the appropriate prosecution, if any. In certain cases, the Director of Public Prosecutions has delegated that decision-making authority to An Garda Síochána. When a prosecution is directed the investigating Garda will arrange to either summons or charge the suspect(s) and conduct any further enquiries required as part of the court proceedings.

Members of An Garda Síochána are obliged to keep the victim (and/or the parents/guardians of the victim) of a crime informed of the progress of the investigation and any court proceedings in accordance with the EU Victims Directive 2012.

The investigating Garda will also maintain appropriate contact with the relevant Social Worker to ensure on-going interagency cooperation, which often includes attending strategy meetings and Child Protection Conferences organised by the Tusla Social Worker.

## 6.2 Role of the Social Worker

The role of the social worker in Tusla is to screen, follow up and assess reported concerns/referrals about child protection and welfare that reach Tusla's threshold for intervention.

When a referral is received, the first consideration for the social worker is the immediate safety of the child. All referrals to Tusla are reviewed within 24 hours of when they are received. Once the Duty Social Worker receives the referral, they screen the referral and determine if it reaches the threshold for acceptance by Tusla. If it does, they carry out preliminary enquiries to establish whether a social work intervention is required. The preliminary enquiries are completed within five working days. The Social Worker records the personal details of the child and family and they check the social work records for possible previous contact. The Social Worker completes an Intake Record which assists them in this screening process. They contact the reporter and others, if required, to establish what the worries are for the child and what is working well for the child.

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, physically or sexually abused, it will formally notify the Gardaí without delay.

If after the intake process it has been established that a social work intervention is required then Initial Assessment is undertaken by the social worker. Initial assessment is the purposeful gathering and structured analysis of available information to inform planning and evidence-based decision-making. This assessment focuses on harm or future harm to the child and the impact that it may have/had on the child. The initial assessment includes meeting the child, the child's parents, and their support network as well as contacting relevant professionals.

### 6.2.1 Initial Assessment

The purpose of the initial assessment is to establish whether there is harm/future harm to the child and whether there is sufficient safety to address the harm-causing behaviour, if present. The outcome of the initial assessment may reach a finding about the suspected abuse or welfare concern and determine the next course of action.

Building relationships with the family and the use of a rigorous questioning approach underpins the assessment process which includes:

- ⇒ Establishing with the child (if age-appropriate) and his or her parents/guardians whether grounds for concern exist;
- ⇒ If necessary, arranging for a medical examination, and medical treatment (with parental consent);
- ⇒ Communicating with any professionals, family or friends involved with the child and family, and eliciting their views on any harm and danger/future harm and identifying any strengths and protective factors that could address the harm;
- ⇒ Deciding on initial protective action and any safety planning required.

The initial assessment will be completed within approximately 40 working days.

At any point in the initial assessment process a case can be assessed as requiring;

1. No further action/closed;
2. Child Protection Notification;
3. Child Protection Conference;
4. Child welfare planning and family support services;
5. Referral to Family Welfare Conference;
6. Strategy meeting;
7. Provision of information and advice;
8. Referral to another agency for support;
9. Admission to care;
10. Further assessment.



# 7. Working with Children and Their Families – The Signs of Safety

## 7.1 The Signs of Safety Approach

Tusla has adopted the **Signs of Safety approach** as a way of working with children and their families and this approach will underpin the assessment of all child protection and welfare reports. The Signs of Safety approach gives a clear and effective way to assess risk and find solutions. The approach uses four fundamental questions when thinking about and working with a family.

- ⇒ What are we worried about?
- ⇒ What's working well?
- ⇒ What needs to happen?
- ⇒ How worried are we on a scale of 0–10?

## 7.2 The Signs of Safety Method

These questions provide a sound and well-structured focus for the conversations that need to take place when Tusla believe that children's needs are not being met and something else is required. Once Tusla receive a report its first consideration is always the immediate safety of the child. Emergency action is taken if it is necessary to protect the child. All reports are screened and the information is reviewed to help determine the correct response as not all reports require social work assessment or intervention. Cases that do need an assessment are assigned to a Social Worker. The purpose of the assessment is to gather and analyse information on:

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

## 7.3 The Signs of Safety Assessment

The assessment involves meeting and talking to the child, parents/guardians and their extended family network as well as other relevant professionals.

Using the Signs of Safety approach helps Tusla to maximise the potential for the family and their network to resolve concerns and worries that exist about their children while Tusla maintain a rigorous focus on the child's safety. When the assessment is finished there are a number of possible outcomes known as response pathways. Details of the response pathways can be found in Tusla's *[A Guide for the Reporting of Child Protection and Welfare Concerns](#)*.

## 8. Confidentiality and Information Sharing

Freedom of information legislation (Freedom of Information Act 2014) must be considered as part of any decision to release confidential information held by An Garda Síochána or Tusla. In circumstances where the release of information could potentially endanger a child or prejudice or impair the investigation of a criminal offence, consultation must always take place between members of the Liaison Management Team (see paragraph 10.1) to decide on whether information is to be released to a third party.

Section 32 of the Freedom of Information Act 2014 allows the refusal of the release of information by Tusla where it is determined that the information may prejudice or impair a criminal investigation and impact on An Garda Síochána's ability to enforce the requirement of law.

The Data Protection Acts 1988 and 2003 allow An Garda Síochána to share information with Tusla on a reasonable and proportionate basis for the purposes of child protection. Equally Tusla has the authority to share information concerning a child who is at risk of injury under the Data Protection Acts or also during the course of a risk assessment with a relevant person under the Children First Act 2015. Tusla will only share data when it is necessary and proportionate in the circumstances of each individual case. Information that Tusla shares with any person under the Data Protection Acts must not be shared with a third party, unless Tusla considers it appropriate and under Section 17(2) of the Children First Act 2015 authorises in writing the relevant person to share the data with a third party. This is in keeping with the principles of data protection, which recognises that in certain circumstances information can be shared in the interests of child protection, but that such sharing must be necessary and proportionate.

Section 17(3) of the Children First Act 2015 makes it an offence to disclose information to a third party which has been shared by Tusla during the course of an assessment, save in accordance with law or in accordance with written authorisation from Tusla to do so.

## 9. On-going Case Management Liaison

Following a notification by either agency, the Social Worker and the investigating Garda will maintain regular contact and inform each other of developments in the case as they occur, in accordance with the Data Protection Acts 1988 and 2003. Tusla Social Workers will record all such developments and any agreed actions in the ‘Strategy Discussion’ and/or ‘Strategy Meeting’ sections of the Actions Form (Appendix 3). While a case may be closed to Tusla the link between both agencies will be maintained until the criminal investigation and the prosecution, where applicable, is completed. Case closure by Tusla must always be notified in writing to An Garda Síochána.

Certain aspects of the assessment and investigation processes will be considered by both agencies, including:

- ⇒ Impact of a prosecution/non prosecution on the child (victim);
- ⇒ Impact of the alleged abuse on the child;
- ⇒ Support for child and adult witnesses;
- ⇒ Victim support services;
- ⇒ Risk posed by an alleged abuser to other children.

Every effort will be made to ensure the child and members of the family are supported appropriately by An Garda Síochána and as appropriate by Tusla during the criminal justice process.

### 9.1 Tracking Systems and Record-Keeping

Tusla and An Garda Síochána will chart the progress of an assessment/ investigation arising from a formally notified suspicion of child abuse or neglect. In addition to the notes taken separately by each professional, the following forms will be completed to record the information shared and when actions are agreed and/or taken in each case:

- ⇒ An Garda Síochána to Child and Family Agency – Notification Form (Appendix 1)
- ⇒ Child and Family Agency to An Garda Síochána – Notification Form (Appendix 2)
- ⇒ Child and Family Agency/An Garda Síochána Actions Form (Appendix 3)

All contacts between Tusla and An Garda Síochána must be recorded. Tusla and An Garda Síochána must keep a written record of decisions taken in relation to the case. This record must be accessible in the absence of the specific personnel allocated to the case. Where either Tusla or An Garda Síochána decides not to proceed with any action, that decision, along with the rationale for the decisions, must be recorded.

## 9.2 Strategy Discussion and Meetings

At any point during the child protection process, or if necessary during the initial assessment, a strategy meeting may be called to secure the safety of the child. It is the responsibility of the Social Work Team Leader or Principal Social Worker to convene a strategy meeting.

The purpose of a strategy meeting is to facilitate the sharing and evaluation of information between professionals and to prepare a plan of action for the protection of a child and their siblings if necessary. A strategy meeting may involve An Garda Síochána and Tusla staff members involved at either management or case assessment level, depending on the circumstances.

Following initial contact or strategy discussions (including telephone calls) between An Garda Síochána and Tusla where agreement is reached on immediate action(s), details of these action(s) must be recorded on the ‘Strategy Discussion’ section of the Actions Form (Appendix 3).

The Tusla Social Worker and the investigating Garda will stay in regular contact and inform each other of developments in the case as they take place.

### 9.2.1 Objectives of the Strategy Meeting

The objectives of the strategy meeting include:

- ⇒ Sharing available information relevant to the protection and welfare of children and to support any assessment of child protection and welfare concerns and possible criminal investigation;
- ⇒ Considering whether immediate action must be taken, and by whom, to protect the child and other children believed to be at risk;
- ⇒ Considering whether interviews are required in accordance with Section 16(1) (b), Criminal Evidence Act 1992;
- ⇒ Considering necessary procedural and legal actions;
- ⇒ To identify the evidence available to support a criminal investigation and any subsequent prosecution;
- ⇒ Planning early intervention;

- ⇒ Identifying possible sources of protection and support for the child;
- ⇒ Identifying possible sources of support for the child's family;
- ⇒ Identifying sources of further information;
- ⇒ Identifying whether other children may be at risk and taking appropriate action;
- ⇒ Agreeing priorities and appropriately allocating responsibility for the actions agreed;
- ⇒ Agreeing a contingency plan in the event that a subsequent increase in risk to any child requires further intervention.

The 'Strategy Meeting' section of the Actions Form (Appendix 3) will be completed by the Social Worker following every strategy meeting (including less formal contacts such as telephone strategy discussions) and must be signed off by the designated Social Worker and investigating Garda.

### 9.2.2 Child Protection Conferences

A Child Protection Conference is an interagency and inter-professional meeting, convened by Tusla<sup>3</sup>. It is convened when there are grounds for believing that a child is at on-going risk of significant harm, from abuse, including neglect, attributable to inappropriate or inadequate care from parents/guardians. The Social Worker and Tusla Chairperson have a central role in the Child Protection Conference. The purpose of a Child Protection Conference is to facilitate the sharing and evaluation of information between professionals and parents/guardians, in order to:

- ⇒ Identify risk factors (what people are worried about);
- ⇒ Identify protective factors (what's working well);
- ⇒ Determine whether the child or any other child in the family is at on-going risk of significant harm;
- ⇒ Identify the specific risks to the child or any other child in the family;
- ⇒ Develop a Child Protection Plan and list each child where it has been determined they are at on-going risk of significant harm on to the Child Protection Notification System under the appropriate risk category;
- ⇒ Formulate a Child Protection Plan for each child, if decided upon by the Child Protection Conference (what needs to happen).

<sup>3</sup> See Tusla's *Child Protection Conference and the Child Protection Notification System: Information for Professionals*.



In particular, the Social Work Department has the following responsibilities in respect of the conference:

- ⇒ Requesting the conference;
- ⇒ Writing a report for the conference;
- ⇒ Explanation to the parents/guardians regarding the purpose of the meeting and the process including possible outcomes, the role and purpose of the Child Protection Notification System and an explanation of on-going risk of significant harm;
- ⇒ Sharing the report content with the parents/guardians in advance of the conference;
- ⇒ Clear, evidenced assessment of the risk to the child and their unmet needs and the proposal of recommendations in regards to their participation in the conference;
- ⇒ Preparation of the child for the conference;
- ⇒ Identification of ways of helping the parents/guardians to contribute at the meeting;
- ⇒ Identification of ways that a non-attending parent/guardian may contribute to the meeting and informing them of their options;
- ⇒ Informing parents/guardians of their right to bring a support person to the meeting;
- ⇒ Liaising with other professionals attending the conference or submitting reports as required (note – invites and reports will be requested by the Child Protection Conference Chair);
- ⇒ Key worker for coordination of the Child Protection Plan;
- ⇒ Coordination of the core group.

The social work report to the conference will include:

- ⇒ Child and family details;
- ⇒ Chronology of social work involvement;
- ⇒ An analysis of the child's circumstances and needs;
- ⇒ Protective factors;
- ⇒ Risk factors;
- ⇒ Motivation of parents/guardians and capacity for change;
- ⇒ Evidenced assessment/grounds for believing that a child is at on-going risk of significant harm;
- ⇒ Child's view;
- ⇒ Parents'/guardians' view;
- ⇒ History of previous interventions to address the family's needs and their outcomes;
- ⇒ Details of any current safety plan;
- ⇒ Recommendations to promote the safety and welfare of the child.

Child Protection Conference invitations for the relevant member of An Garda Síochána, along with the Child Protection Conference agenda will be sent by the Child Protection Conference Chair to the relevant Garda Superintendent. The role of a member of An Garda Síochána at a Child Protection Conference is to:

- ⇒ Share any relevant information that informs the assessment by Tusla of the risk of harm to the child;
- ⇒ Identify and obtain any evidence or information in the possession of other professionals or agencies that may assist any criminal investigation;
- ⇒ Outline, where appropriate, any actions to be performed by An Garda Síochána.

On occasion, it may not be appropriate that members of An Garda Síochána share certain information at a Child Protection Conference, for example, when parents/guardians who are suspected of a criminal offence are present at the conference, particularly when a criminal investigation or resultant prosecution is on-going. Members of An Garda Síochána must be clear about any limitations on the information they will be able to share with the Child Protection Conference Chair prior to the meeting.

It must also be borne in mind that a member of An Garda Síochána may be required to administer a legal caution to any person who makes admissions to any criminal offence during the Child Protection Conference.

## 10. An Garda Síochána and Tusla Liaison

### 10.1 Liaison Management Team

Tusla and An Garda Síochána shall designate personnel at assessment/ investigation and management levels who will remain involved with the case until the assessment/investigation is completed.

A Local Area Office Social Work Team Leader within Tusla and a designated Inspector/Sergeant of the corresponding Garda district will constitute a Liaison Management Team with responsibility for ensuring that interagency liaison is maintained and that each reported child protection/welfare concern is appropriately processed.

The Liaison Management Team will meet every four to six weeks to review on-going cases and as required in certain individual cases.

The primary functions of the Liaison Management Team are to:

- ⇒ Consider formal notifications of suspected child abuse or neglect and update outcomes of assessments and investigations;
- ⇒ Oversee their respective investigations/assessments and assign additional personnel, where necessary;
- ⇒ Review the progress of each case;
- ⇒ Resolve challenges arising in the local liaison process;
- ⇒ Consider the impact of a prosecution on the child (victim);
- ⇒ Consider impact of the alleged abuse on the child;
- ⇒ Consider support for child and adult witnesses;
- ⇒ Consider providing victim support services;
- ⇒ Ensure the implementation of and compliance with legislation and joint policy and procedures;
- ⇒ Report to the Senior Local Management Liaison Forum any challenges to the local liaison process.

## 10.2 Senior Local Management Liaison Forum

The Principal Social Worker of each Local Area Office and the Superintendent of the corresponding Garda District constitute the Senior Local Management Liaison Forum and have overall responsibility for the management of child protection and welfare assessments/investigations in their geographical area. They will support the Liaison Management Team and ensure the necessary resources are available to the team, along with the Social Workers and Gardaí involved in assessments/investigations.

The Liaison Management Team may refer cases to the Senior Local Management Liaison Forum for resolution.



The Senior Local Management Liaison Forum shall meet **at least every quarter**. Their functions are to:

- ⇒ Review joint working arrangements to ensure good practice in respect of notification, information sharing, case management and policy and procedure implementation;
- ⇒ Advise local operational managers on matters of policy and law;
- ⇒ Review complex child protection and neglect cases as required;
- ⇒ Resolve any area of difficulty that may arise in local joint working arrangements;
- ⇒ Advise the National Children First Liaison Management Committee of any operational matter that may have implications for national joint policy and procedures.

### 10.3 National Children First Liaison Management Committee

The Tusla National Manager for Garda Liaison and the Detective Superintendent, Garda National Protective Services Bureau (Child Protection) have responsibility for the coordination of the National Children First Liaison Management Committee. Membership of the Committee will include representation from policy and operational service areas of both agencies.

The primary functions of the National Children First Liaison Management Committee, which shall meet quarterly, are to:

- ⇒ Advise and support the National Child Safeguarding Strategic Liaison Committee in respect of joint Children First policy and procedures;
- ⇒ Provide direction, advice and guidance to local management and operational services in respect of Children First joint Garda/Tusla liaison, policy and procedure;
- ⇒ Receive and respond to local management and operational service enquiries in respect of policy and procedure implementation matters;
- ⇒ Review and develop joint Garda/Tusla Children First policy, guidance and procedures as required;
- ⇒ Ensure that all policy, guidance or procedure development is child-centred and in accordance with legislation and international best practice.

The Tusla National Manager for Garda Liaison and the Detective Superintendent, Garda National Protective Services Bureau (Child Protection) are required to liaise regularly on matters of joint policy, joint practice and joint training. Matters of national concern will be referred to the National Child Safeguarding Strategic Liaison Committee (NCSSLC).

## 10.4 National Child Safeguarding Strategic Liaison Committee (NCSSLC)

The Assistant Commissioner, Special Crime Operations, and the Chief Executive Executive of Tusla co-chair the National Child Safeguarding Strategic Liaison Committee, which also comprises other appropriate representatives within both organisations and the HSE. The aim of the NCSSLC is to ensure a coordinated, effective response between agencies to resolve challenges within the child protection and welfare system.

The Committee works to enhance joint working at a strategic level, including:

- ⇒ Joint training;
- ⇒ Local Tusla/An Garda Síochána liaison;
- ⇒ Missing children from care;
- ⇒ Unaccompanied minors;
- ⇒ Vetting;
- ⇒ Liaison with religious orders and dioceses;
- ⇒ Children in special care;
- ⇒ Organised child abuse.



## 11. Liaison with Parents/Guardians

Every possible effort will be made to keep the child's parents/guardians informed of developments in the case, except where this might place the child at further risk of harm or impede the criminal investigation. The legal limits of maintaining confidentiality as outlined above (paragraph 8) must be observed. Every effort will be made to build trust with families involved in child abuse assessments/investigations. This can be extremely challenging in such difficult circumstances. Nevertheless, in many cases a relationship of trust can be established if the professionals involved create the right conditions for its development.

If the child or parents/guardians have a communication difficulty, arrangements will be made to help them during any interviews. This may involve a sign language interpreter, large print, tape or Braille. For those whose first language is not English, the services of an interpreter will be considered and if appropriate will be made available.

## 12. Joint Specialist Interviewing of Children

Depending on the type of criminal offence being investigated, Section 16(1) (b) of the Criminal Evidence Act 1992 allows for the making of a video recording of any statement made by a child under 14 years of age (or in some circumstances by a child under 18 years of age or a person of any age with intellectual disability) to a member of An Garda Síochána or any other person who is competent where it is intended to submit the recording as evidence in Court.

Special facilities for the holding of specialist interviews have been developed, together with training for Social Workers and Gardaí conducting such interviews.

A joint specialist interview by Garda and social work interviewers may be required. Whether the interview is conducted by one or both organisations jointly will, where possible, be decided upon at the first strategy meeting. Where there is any doubt, both the Social Worker and the investigating Garda will consult with their respective supervisors and specialist interviewers from both agencies.

In cases where child sexual abuse or reports of violence or threatened violence are being investigated and assessed, the child will not be interviewed by a person who is not trained as a specialist interviewer.

In cases where a specialist assessment of child sexual abuse is underway, the early interviewing by specialist interviewers of the children who disclose child abuse must be facilitated. The sharing of the information obtained in this interview will reduce the need for multiple interviews, lessen stress to the child and their family and protect the integrity of the child’s statement so that it can be most effectively used for evidential purposes by both agencies.

## 13. Section 12 of the Child Care Act 1991

An Garda Síochána has the power to remove a child to safety under Section 12 of the Child Care Act 1991, as amended. An Garda Síochána must have reasonable grounds to believe that there is an immediate and serious risk to the health/welfare of the child concerned. An Garda Síochána must, as soon as possible, deliver the child into the custody of Tusla.

Tusla will then carry out an immediate assessment of the child’s circumstances. Tusla then has two options:

1. Return the child to a parent having custody or a person acting “in loco parentis”;
2. Make an application for an Emergency Care Order at the next sitting of the District Court.

An Garda Síochána and Tusla have developed additional protocols in relation to the exercise of Section 12 of the Child Care Act 1991, as amended, the use by An Garda Síochána of Tusla’s Emergency Out-of-Hours Service (EOHS) and actions under Section 8(5) of the Refugee Act 1996.

## 14. Special Considerations

### 14.1 Domestic Abuse

Children who witness domestic abuse incidents are often traumatised and suffer emotional abuse. Children residing where domestic abuse occurs may also become victims of abuse and members of An Garda Síochána will take this into account when considering referral to Tusla. Gardaí will identify whether any children reside within the household. Where Gardaí identify potential child protection and welfare concerns Tusla will be notified without delay as set out in paragraph 5.

### 14.2 Organised Child Sexual Exploitation

Organised child sexual exploitation ‘occurs either when one adult moves into an area or institution and systematically entraps children for abusive purposes (mainly sexually) or when two or more adults conspire to similarly abuse children, using inducements’.

Organised child sexual exploitation can occur through the use of technology without the child’s immediate recognition, for example, being persuaded to post sexual images on the internet/mobile phones.

In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.

Organised child sexual exploitation also involves exploitative situations, contexts and relationships where young people receive ‘something’ (for example food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) in exchange for either performing sexual activities and/or another or others performing sexual activities on them.

‘Violence, coercion and intimidation are common; involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability’ (Department for Children, Schools and Families 2009: 9).

Organised child sexual exploitation is a form of child sexual abuse which includes some combination of:

- ⇒ Pull factors: children exchanging sex for attention, accommodation, food, gifts or drugs;
- ⇒ Push factors: children escaping from situations where their needs are neglected and there is exposure to unsafe individuals;
- ⇒ Control: brainwashing, violence and threats of violence by those exploiting the child.

Sexually exploited children also suffer physical and emotional abuse and, often, neglect.

Sexually exploited children commonly have low self-esteem and may exhibit some or all of the following characteristics:

- ⇒ Going missing frequently and/or from a young age;
- ⇒ Bullying or being a victim of bullying in or out of school;
- ⇒ Experience of previous (and sometimes current) sexual abuse, neglect and physical abuse;
- ⇒ Exposure to domestic violence within the family;
- ⇒ Family involvement in sexual exploitation, drugs and alcohol;
- ⇒ Drug and alcohol use;
- ⇒ Symptoms of emotional distress including eating disorders, mood swings and self-harm;
- ⇒ Involvement in theft, shoplifting.

Boys and girls may be drawn into organised child sexual exploitation by peers who are already involved.

Girls, in particular, are frequently coerced into sexual exploitation by an older man who may pose as (and is viewed by them as) their boyfriend. The girl is often physically and emotionally dependent upon this man and the dependence may be reinforced by the use of alcohol and drugs. Over time, access to friends and family tends to become curtailed.

Sexually exploited children are rarely visible on the streets and grooming of children for abuse via the internet has contributed to the invisibility of the organised child sexual exploitation of children.

### 14.3 Age of Consent

For the purposes of criminal law, the age of consent to sexual activity is 17 years. An Garda Síochána is obliged to investigate all sexual activity where a child is below the age of consent and submit an investigation file to the Director of Public Prosecutions. It should be noted, the offence of sexual exploitation of a child contrary to Section 3(2) of the Child Trafficking and Pornography Act 1998, as amended, refers to children under the age of 18 years. Sexual exploitation of a child is defined as:

- (a) inviting, inducing or coercing the child to engage in prostitution or the production of child pornography;
- (b) the prostitution of the child or the use of the child for the production of child pornography;
- (c) the commission of an offence specified in the Schedule to the Sex Offenders Act 2001 against the child; causing another person to commit such an offence against the child; or inviting, inducing or coercing the child to commit such an offence against another person;
- (d) inducing or coercing the child to engage or participate in any sexual, indecent or obscene act;
- (e) inviting the child to engage or participate in any sexual, indecent or obscene act which, if done, would involve the commission of an offence against the child, or
- (f) inviting, inducing or coercing the child to observe any sexual, indecent or obscene Act for the purpose of corrupting or depraving the child
- (g) and 'sexually exploits' shall be construed accordingly.

In all cases where a child under the age of 18 years is reported or suspected to have engaged in sexual activity, consultation will be held between Tusla and An Garda Síochána, wherein all aspects of the case will be examined to determine if abuse or sexual exploitation is suspected or alleged. Both agencies must acknowledge the sensitivity required in order to facilitate vulnerable young people in availing of all necessary services, while at the same time satisfying relevant legal requirements.

Where there has been sexual activity between two children, assessments and investigations must be sensitive to the needs of the children and must take account of any material difference in capacity or maturity of the children and of whether the relationship is intimidatory or exploitative.

#### **14.4 Underage Pregnancy**

In cases of underage pregnancy where abuse is suspected or alleged and Tusla has been so informed, An Garda Síochána must be notified by the assigned Social Work Team Leader within Tusla using the Notification Form (Appendix 2).

In cases where abuse is not suspected or alleged, Tusla will consult with An Garda Síochána to examine all aspects of such cases. Both agencies acknowledge the sensitivity required in order to facilitate young girls to avail of medical or therapeutic services. However, An Garda Síochána is obliged to investigate all reports of sexual activity where a child is below the age of consent.

Any decision made by a Social Worker not to inform An Garda Síochána of an underage pregnancy, utilising the defence for not doing so contained in the Criminal Justice (Withholding of Information on Criminal Offences Against Children and Vulnerable Persons) Act 2012, must be clearly reasoned and recorded on the social work record. Failure to accurately keep such a record may significantly weaken any defence that the Social Worker may need to rely upon should they later be challenged on this decision.

#### **14.5 Retrospective Disclosure by Adults**

When a disclosure by an adult of alleged abuse suffered during childhood comes to the attention of Tusla, An Garda Síochána or any other service, it is essential for Tusla to establish whether there is any current risk to any child who may be in contact with the person who is the alleged cause of concern. If any risk is deemed to exist, this information must be shared between both agencies, following the formal notification procedures. The Notification Forms (Appendix 1 or Appendix 2) will be used where appropriate. Retrospective abuse notifications should be sent to the Principal Social Worker where the person who is allegedly causing concern resides. Tusla policy and procedure for ensuring fair procedure will be applied by Social Workers undertaking such assessments.

Information on supports available and contact details will be provided to adults who make retrospective disclosures of child abuse in accordance with the EU Victims Directive 2012.



## 15. Protection of Children at Risk in Other Areas

### 15.1 Arrangements for the Protection of Children at On-going Risk Moving to Other Areas or Jurisdictions

When a family with children who are considered by Tusla or An Garda Síochána to be at on-going risk are believed to have moved from one area to another within the State, the relevant information will be furnished to the appropriate local office of Tusla. Tusla will maintain a protocol for the exchange of information in these circumstances, taking account of data protection considerations.

When a family with children who are considered by Tusla or An Garda Síochána to be at on-going risk are believed to have moved to another jurisdiction, the relevant information will be sent to the appropriate authority in that State. For child protection purposes in circumstances where a person whom Tusla considers poses a risk to children moves to another jurisdiction, Tusla may inform the child protection authorities in that jurisdiction of the risk posed by the individual, in accordance with data protection legislation (see also Tusla National Case Transfer Policy and Procedure for Child and Family Agency Social Work).

Information on children who are in need of care and protection who move to other countries will be sent through the Irish correspondent for International Social Service (ISS), who will forward it to the appropriate ISS contact in the relevant country. To avail of the ISS network, the relevant information must be sent to the Irish ISS correspondent at:

International Social Services, Church Street, Gort, Co. Galway, Ireland  
Tel: +353 (91) 632 701 Email: [iss@tusla.ie](mailto:iss@tusla.ie)

### 15.2 Arrangements for the Protection of Children at Risk who Migrate to Ireland from Another Jurisdiction

Information received from the International Social Service (ISS) on children in need of care and protection who come to Ireland from abroad is channelled through the Irish ISS correspondent at the address given above.

When Tusla or An Garda Síochána is informed that children who are considered to be at risk have moved into their local area, notification procedures must be followed immediately. A strategy discussion and if required a strategy meeting will be held between Tusla and An Garda Síochána to review relevant information and to agree any necessary actions.

## 16. Review

This protocol document will be jointly reviewed by An Garda Síochána and Tusla annually. A report on the review will issue to the National Child Safeguarding Strategic Liaison Committee.

Signed: John O'Driscoll Assistant Commissioner  
(John O'Driscoll) An Garda Síochána

Signed: Jim Gibson Chief Operations Officer  
(Jim Gibson) Tusla – Child and Family Agency

Date: 6th December 2017

# Appendices

# Appendix 1

This is a visual representation of the form only. This form can be downloaded from the Garda Portal.

## AN GARDA SÍOCHÁNA TO CHILD AND FAMILY AGENCY – NOTIFICATION FORM

(For Notifying Child Protection & Welfare Concerns)

To Child and Family Agency Child Protection Principal Social Worker:

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An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency

### 1. Reporting Garda

Name		Telephone No.	
Garda District		Address	
Email		PULSE ID Number	
Signed		Date Notification Made	

**Type of Report (tick one)**

Mandated Report under the Children First Act 2015 <sup>4</sup>	
Report of suspected abuse under the Children First National Guidance (2017) <sup>5</sup>	
Child welfare concern <sup>6</sup> under the Children First National Guidance (2017)	

### 2. Details of Child/Complainant

Name		Gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Address	DOB	Age		
	School			
Alias	Contact address			
Telephone	(if different)			

<sup>4</sup> A report should be made under the Children First Act 2015 where the assault, ill-treatment or neglect being reported seriously affects or is likely to seriously affect the child’s health, development or welfare. All suspected child sexual abuse should be reported under the Act.

<sup>5</sup> A report should be made under *Children First: National Guidance for the Protection and Welfare of Children (2017)* where the threshold for a mandated report is not met but there are ‘reasonable grounds for concern’ that a child is, has been or is likely to be abused or neglected.

<sup>6</sup> Welfare concerns do not reach the threshold of ‘reasonable grounds for concern’ but the child and family may need support.

*continued*

3. Parents Aware of Report		Yes	No	N/A
Are the child's parents/guardian aware that this concern is being reported to the Child and Family Agency?	Parent 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parent 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment				

**4. Type of abuse suspected (Please tick one)**

Neglect       Physical Abuse       Emotional Abuse<sup>7</sup>       Sexual Abuse

Does the concern involve an incident of domestic abuse?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the allegation/disclosure retrospective (by an adult of childhood abuse)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**5. Details of Report**

*(Details of concern(s), allegation(s) or incident(s) dates, times, who was present, description of any observed injuries, parent's view(s), child's view(s) if known. Attach additional sheets if necessary)*

Are there concerns in relation to other children or alleged victims?    Yes     No

If yes, please provide details:

**6. Details of person(s) allegedly causing concern**

Relationship to child	Age	Gender	M <input type="checkbox"/>	F <input type="checkbox"/>
Name	Occupation			
Address				
Is the person allegedly causing concern aware of this notification?			Yes <input type="checkbox"/>	No <input type="checkbox"/>

**7. Details of person who reported concerns to Gardaí**

Name	Relationship to child/alleged victim
Address	Telephone
	Email
Date of report	

<sup>7</sup> All abuse involves an element of emotional abuse; this category should be used where it is the main or sole form of abuse suspected.

**8. Action Taken**

*(Details of any actions taken or information which the Social Work Department will need to be conscious of in carrying out an assessment)*

**9. Relationships**

Details of Parent/Guardian 1		Details of Parent/Guardian 2	
Name		Name	
Address (if different to child)		Address (if different to child)	
Telephone(s)		Telephone(s)	
Legal Guardian		Legal Guardian	

**10. Investigating Garda**

Name		Email	
Address		Telephone(s)	
		Date	

**11. Details of Garda Designated Officer**

Name		Rank	
Address		Telephone(s)	
		Email	
Signed		Date	

**12. Any other information**

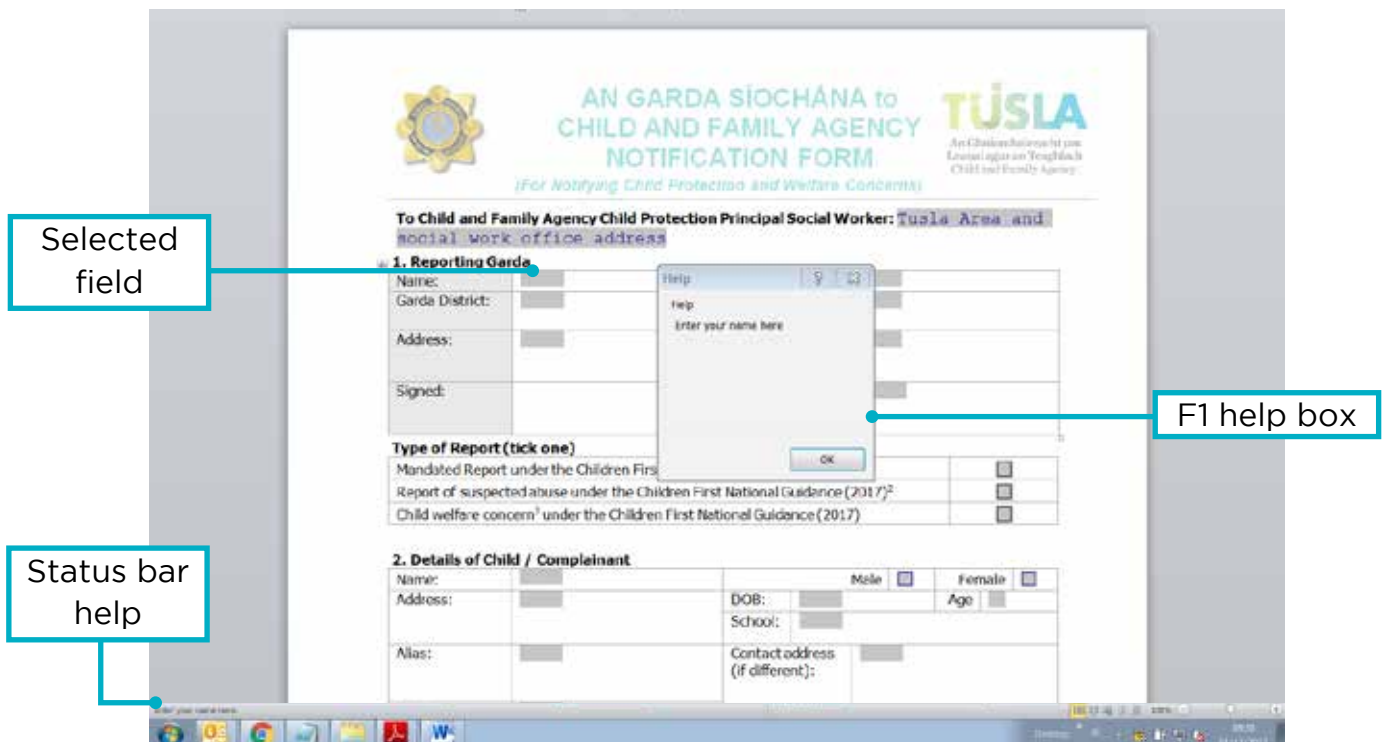
This form remains the property of An Garda Síochána and is not to be copied to any third party without the express permission of An Garda Síochána.

An acknowledgement letter providing the name and contact details of the allocated social worker must be sent by return from the receiving Tusla social work manager to the local Garda Superintendent.

## Guidance Notes

### General Guidance on Use of Form

- ⇒ This form is only to be completed by members of An Garda Síochána.
- ⇒ This form is to be forwarded to the Principal Social Worker in the Tusla Area where the child resides. Contact details for all Tusla social work offices can be found on <http://www.tusla.ie/services/child-protection-welfare/contact-a-social-worker>.
- ⇒ Retrospective abuse reports should be sent to the Principal Social Worker where the person who is allegedly causing concern resides.
- ⇒ For more information on when to use the ‘welfare’ box, see *Children First: National Guidance for the Protection and Welfare of Children* (p. 45, ‘Concerns which require family support services’).
- ⇒ To ensure you use the most current version of this form, do not store blank forms on your PC or laptop. When required, these forms should be downloaded from the Garda Portal.
- ⇒ For help on any section, select the fill-in box and press F1 or see the status bar at bottom of your screen.





- ⇒ To navigate through the form use the tab key to move to the next field and Ctrl+tab to move back a field. You can also click directly into any fill-in box. You will need to double-click on boxes where there is default text present.
- ⇒ Include a unique record reference when saving completed forms.
- ⇒ Forms must be signed by the Garda Designated Officer before forwarding to a Tusla Principal Social Worker.
- ⇒ Use one form per child.

## Appendix 2

This is a visual representation of the form only. This form can be downloaded from the Tusla Hub.

### CHILD AND FAMILY AGENCY TO AN GARDA SÍOCHÁNA – NOTIFICATION FORM

(For Notifying Child Protection Concerns)

An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency

To Garda Superintendent:

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#### 1. Details of Social Worker Notifying Concern(s)

Name		Telephone No.	
Agency Social Work Office		Email	
Address		Child and Family Agency Unique Identifier	
		Date Notification Made	

#### 2. Details of Child/Complainant

Name		Gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Address		DOB	Age	
		School		
Alias		Correspondence address (if different)		
Telephone		Mobile		

#### 3. Parents Aware of Report

	Yes	No	N/A
Are the child's parents/guardians aware that this concern is being reported to An Garda Síochána?	Mother	<input type="checkbox"/>	<input type="checkbox"/>
	Father	<input type="checkbox"/>	<input type="checkbox"/>
Comment			

#### 4. Form(s) of abuse suspected (may tick more than one)

Neglect     Physical Abuse     Emotional Abuse     Sexual Abuse

Is the allegation/disclosure retrospective (by an adult of childhood abuse)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does the concern involve an incident of domestic abuse?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

*continued*



### 5. Details of Report

*(Details of concern(s), allegation(s) or incident(s) dates, times, who was present, description of any observed injuries, parent's view(s), child's view(s) if known. Attach additional sheets if necessary)*

Are there concerns in relation to other children or alleged victims? Yes  No

If yes, please provide details:

### 6. Details of person(s) allegedly causing concern

Relationship to child		Age		Gender	M <input type="checkbox"/>	F <input type="checkbox"/>
Name		Occupation				
Address						
Is the person allegedly causing concern aware of this notification?					Yes <input type="checkbox"/>	No <input type="checkbox"/>

Relationship to child		Age		Gender	M <input type="checkbox"/>	F <input type="checkbox"/>
Name		Occupation				
Address						
Is the person allegedly causing concern aware of this notification?					Yes <input type="checkbox"/>	No <input type="checkbox"/>

### 7. Details of person who reported concerns to Social Worker

Name		Relationship to child/alleged victim	
Address		Telephone	
		Email	
Date of report			

### 8. Action Taken

*(Details of any actions taken or information which An Garda Síochána will need to be conscious of in carrying out an investigation)*

**9. Relationships**

Details of Mother		Details of Father	
Name		Name	
Address (if different to child)		Address (if different to child)	
Telephone(s)		Telephone(s)	
Legal Guardian		Legal Guardian	

**10. Household composition**

Name	Relationship	Email	DOB	Additional Information e.g. School/Occupation/Other

**11. The Social Worker allocated to this case is:**

Name		Email	
Address		Telephone(s)	

**12. Details of Principal Social Worker**

Name		Grade	
Address		Telephone(s)	
		Email	
Signed		Date	

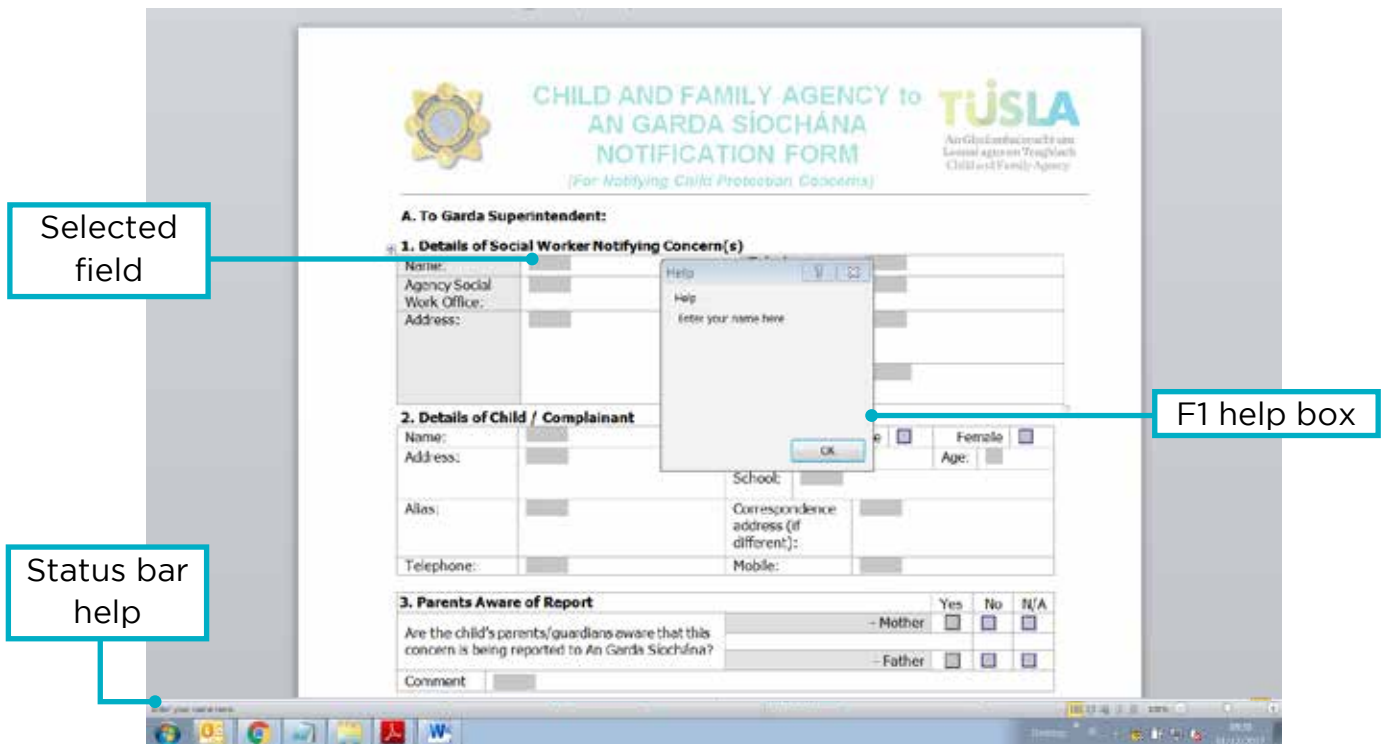
**13. Any other information**

An acknowledgement letter providing the name and contact details of the allocated Garda must be sent by return from the local Garda Superintendent to the notifying Tusla Principal Social Worker.

## Guidance Notes

### General Guidance on Use of Form

- ⇒ **This form is only to be completed by Child and Family Agency Social Work staff.**
- ⇒ **This form is to be forwarded to the Garda Superintendent in the relevant Garda District.**
- ⇒ To ensure you use the most current version of this form, **do not store blank forms on your PC or laptop.** When required, these forms should be downloaded from the Tusla Hub.
- ⇒ For help on any section, select the fill-in box and press F1 or see the status bar at the bottom of your screen.





- ⇒ To navigate through the form use the tab key to move to the next field and Ctrl+tab to move back a field. You can also click directly into any fill-in box. You will need to double-click on boxes where there is default text present.
- ⇒ Include a unique record reference when saving completed forms.
- ⇒ Forms must be signed by a Tusla Principal Social Worker before forwarding to the Garda Superintendent.
- ⇒ Use one form per child.

# Appendix 3

This is a visual representation of the form only. This form can be downloaded from the Garda Portal and Tusla Hub.

## CHILD AND FAMILY AGENCY/ AN GARDA SÍOCHÁNA ACTIONS FORM

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

An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency

### Part 1: Record of Garda – Child and Family Agency Actions

Child and Family Agency Unique Identifier		PULSE ID Number	
Notified to		Notified by	
Date or receipt of formal notification:			

### 2. Details of Child/Complainant

Name		Gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Address	DOB	Age		
	School			
Alias	Correspondence address (if different)			
Telephone	Mobile			

### 3. Form(s) of abuse suspected

Neglect     Physical Abuse     Emotional Abuse<sup>8</sup>     Sexual Abuse

Is the allegation/disclosure retrospective (by an adult of childhood abuse)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does the concern involve an incident of domestic abuse:	Yes <input type="checkbox"/>	No <input type="checkbox"/>

### 4. Designated Personnel (Children First – Section 7.2)

#### Designated Garda

Name	Email
Address	Telephone(s)
Date of allocation:	

#### Designated Social Worker

Name	Email
Address	Telephone(s)
Date of allocation:	

<sup>8</sup> All abuse involves an element of emotional ill-treatment; this category should be used where it is the main or sole form of abuse suspected.

*continued*

### 5. Liaison Management Team

#### Liaison Sergeant/Inspector

Name		Email	
Address		Telephone(s)	

#### Liaison Social Work Team Leader/Principal

Name		Email	
Address		Telephone(s)	

### Part 2: Strategy Discussion on Receipt of Notification

Day		Date	
Time		Location	
Garda		Social Worker	

Responsibility for seeing child undertaken by	<i>(Name, Position)</i>
	Tusla – Child and Family Agency

Is this strategy discussion over issues related to a family of children? Yes  No

If Yes, please detail name and unique identifier for each child. **This page, when completed, must be copied to each child's individual record**

Name		Child and Family Agency Unique Identifier:	
Name		Child and Family Agency Unique Identifier:	
Name		Child and Family Agency Unique Identifier:	
Name		Child and Family Agency Unique Identifier:	
Name		Child and Family Agency Unique Identifier:	
Name		Child and Family Agency Unique Identifier:	
Name		Child and Family Agency Unique Identifier:	
Name		Child and Family Agency Unique Identifier:	

<b>Emergency Interventions</b>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Section 12 Child Care Act, 1991</b>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, invoked by		Registered no	
Reason for decision		Date invoked	
<b>Emergency Care Order</b>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, application made by		Date application made	
Reason for decision			
Application successful	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<b>Medical Examination Required<sup>8</sup></b>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Garda Contacted	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Reason
Date			Time
Where			
When			
<b>Other Action</b>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
By whom			
Please detail actions			
<b>Part 3: Strategy Meeting (Children First - Section 5.7)</b>			
Convened by		Tusla - Child and Family Agency	
Day		Date	
Time		Location	
<b>Present</b>			
Name		Grade/Rank	Agency

<sup>8</sup> If Yes – Garda Forensic Evidence Sexual Offences Kit may be required.

**Decisions of Strategy Meeting. Complete as appropriate.**

Children First Guidance 5.7.4	Action	By whom	Reason for action	Date completion of action	Date reviewed by Liaison Management Team
Information shared					
Information shared					
Information shared					
Immediate action to protect child					
Section 16(1)(b) Criminal Evidence Act, 1992 Interview					
Legal options					
Early interventions					
Protection/ Supports for child					
Sources of information					
Further enquiries					
Agreed plan for remainder of liaison working arrangements					

Designated Garda		Designated Social Worker	
Print name		Print name	
Signed		Signed	
Date		Date	

If there is more than one strategy meeting, a new form at Part 3 is to be completed in each case.

**Part 4: Closure of Record of Garda – Child and Family Agency Liaison**

File to DPP	Yes <input type="checkbox"/>	No <input type="checkbox"/>	DPP decision	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Charges	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date of initial court appearance	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Final court outcome	Yes <input type="checkbox"/>	No <input type="checkbox"/>			

**Reason for closure of Record of Garda – Child and Family Agency Liaison**

Designated Garda	Designated Social Worker
Print name	Print name
Signed	Signed
Date	Date

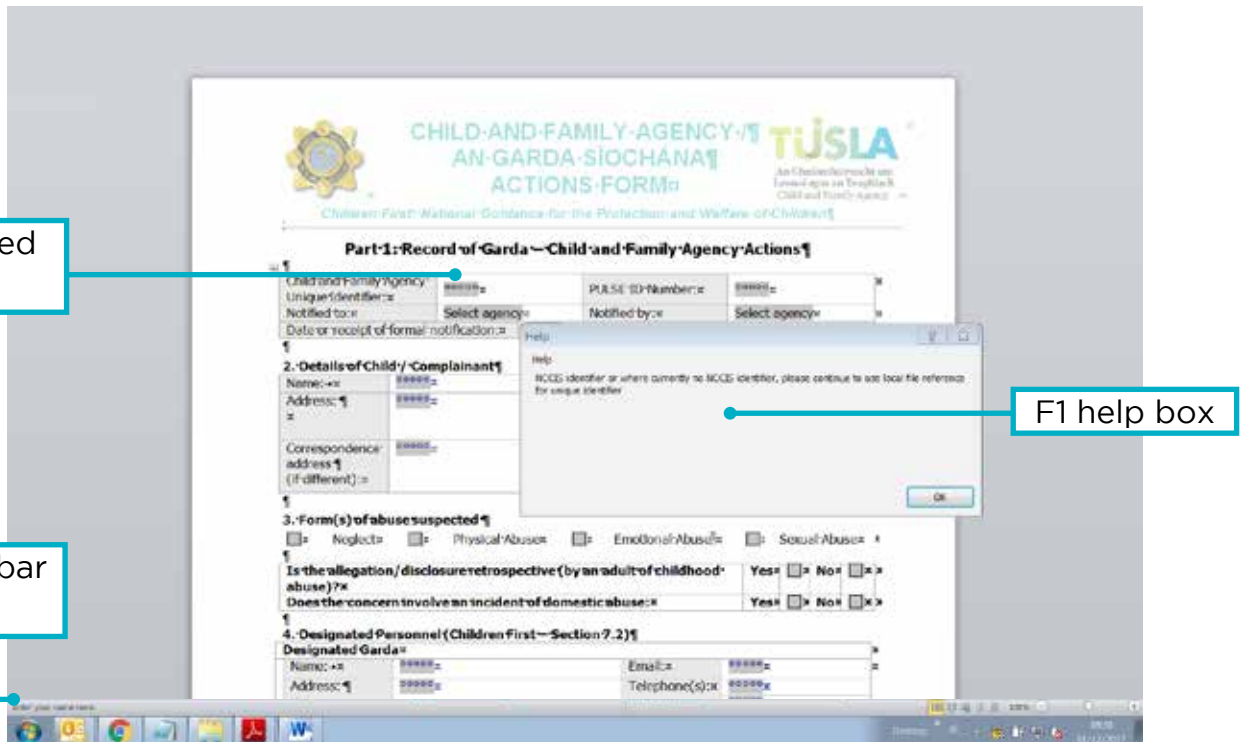
  

Inspector/Sergeant Liaison Management Team	Team Leader Liaison Management Team
Print name	Print name
Signed	Signed
Date	Date

### General Guidance on Use of Form

- ⇒ **This form is only to be commenced by Child and Family Agency Social Work staff. This form should be commenced after receipt of a notification from An Garda Síochána or after a notification form has been sent by the Child and Family Agency.**
- ⇒ **This form is used to record all agreed actions between the Child and Family Agency and An Garda Síochána in the assessment/ investigation of notified cases of suspected child abuse – historic or current.**
- ⇒ **The Child and Family Agency Social Worker holds the master copy of the Action Form. The record is populated by the Agency Social Worker and copied electronically to the Garda at each review stage for confirmation of record.**
- ⇒ **To ensure you use the most current version of this form, do not store blank forms on your PC or laptop. When required, these forms should be downloaded from the Tusla Hub or the Garda Portal.**





- ⇒ For help on any section, select the fill-in box and press F1 or see status bar at bottom of screen.
- ⇒ To navigate through the form use the tab key to move to the next field and Ctrl+tab to move back a field. You can also click directly into any fill-in box.
- ⇒ In general, one form is to be used per child. Part 2 may be used to record strategy discussions regarding a number of children within a family. Where this is necessary, Part 2 must be copied into each child's individual file.
- ⇒ The Actions Form may be closed by either agency when either agency has concluded their involvement with the child/family (see Part 4 above).  
**Note:** This does not preclude inviting a Garda to a subsequent strategy meeting as part of the on-going social work process and does not require reinitiating a further Action Form.





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