

CASP

Child Abuse Substantiation Procedure and Practice

A Guide for Adult Complainants

This Tusla leaflet is to inform you of the steps we take when we investigate allegations of child abuse.

In our CASP policy, an adult making a complaint is known as an Adult Complainant. The person against whom an allegation is made is known as a Person Subject to Allegations of Abuse (PSAA).

Tusla-Child and Family Agency:

The Child and Family Agency and An Garda Síochána are the State agencies with responsibility for the protection and welfare of children. Tusla has the additional responsibility of safeguarding children from the potential

risk of harm and Tusla places children's safety as our primary goal.

Tusla seeks to work with everyone affected by allegations of abuse with fairness, compassion, dignity, and respect while also ensuring decisions are made in line with the law, policy, and best practice.

CASP

The Child Abuse Substantiation Procedure (CASP) is the process and steps involved in Tusla's investigation of child abuse allegations, where Tusla may need to inform a third party of a potential risk to children. Examples of third parties include parents, family members, employers and community organisations.

What is retrospective abuse?

Retrospective abuse is child abuse that an adult reveals which occurred when they were under 18-years-old. Child abuse can be defined as sexual abuse, physical abuse, emotional abuse or neglect.

Reports from adults

- Adults can contact Tusla directly
- A professional can contact Tusla on an adult's behalf

By law many professionals have to report any concern regarding child abuse to Tusla. This is known as Mandatory Reporting. If you are in counselling, and it is your counsellor that has referred you to Tusla, then Tusla will make contact with your counsellor to ensure you get the necessary supports during this process.

If at this initial stage the referrer does not provide identifying details of you, the complainant, Tusla will engage with the referrer and explain the CASP process to them, thus enabling them to make a decision about identifying you.

What happens next?

When Tusla receives any child abuse report we must consider if there is a present risk to children, and we take immediate and appropriate action to protect any child in this situation. We often have to seek more information to decide if a child is at risk or not. If a complainant expresses concerns about their safety to Tusla then we will contact An Garda Síochána, which has responsibility for public protection.

Once we receive a retrospective abuse report we will try to speak with you. If you have indicated a preference for contact through your counsellor Tusla will organise this. We will explain to you in full the investigation process involved, and allow you time to make a decision as to how you would like to proceed. You can decide whether you want to meet with a Tusla professional, and exactly what information you wish to share. If you decide not to meet with Tusla at this time or share any information, it's unlikely we will be able to take an investigation any further.

If you choose to progress with the retrospective abuse report with Tusla, you will be invited to meet with a social worker(s) to provide more details about your experience of the reported abuse incident(s). You are encouraged to bring a support person (e.g. family member, friend or a counsellor) with you to this meeting.

The Tusla social worker(s) will write down whatever information you give them, and you will be given an opportunity to review this afterwards. Tusla may also speak to any witnesses you advise us of although we cannot force witnesses to cooperate with us. Tusla will then decide if there are sufficient grounds for us to proceed with an investigation. Tusla will at all times address any worries about any identified immediate risk of harm to a child.

Tusla has a legal obligation to ensure everyone involved is treated fairly. If a decision is made that there are

sufficient reasons to proceed with an investigation, we will have to share all relevant information disclosed by you and any related documents with the Person Subject to Allegations of Abuse (PSAA.) It will not be possible for you to remain anonymous in these circumstances, except in limited situations for example where there is a serious and established risk to your safety.

If there are any safety concerns for you, Tusla takes this extremely seriously and with your agreement we will source other supports for you, or speak with An Garda Síochána about the safety plan to be put in place for you.

Outcome of the investigation

At the end of an investigation Tusla will reach one of two results:

Founded – It is decided on the balance of probabilities, more likely than not, that child abuse did occur.

Unfounded – is the concluding position of an investigation where it is not established, on the balance of probabilities, that child abuse occurred.

You will always be informed of the outcome of an investigation and a final report will be given to a PSAA in accordance with fair procedure.

A PSAA can request an independent review of the outcome. A PSAA may request to put questions to you during the investigation or as part of a review. It is up to you to decide if you want to happen. Tusla does not have the authority to force you to agree to such questioning. If a review is sought the outcome will be shared with you only at the conclusion of the review process.

What is a review?

Once an outcome has been reached and if the PSAA is not satisfied with a “founded” outcome they can ask that

it is looked at by another group of people known as the Review Panel.

Will An Garda Síochána be told?

If a crime, or if a suspected crime has been committed against a child, it is important that it is reported to An Garda Síochána even if it happened a long time ago. Tusla has a legal obligation to pass on all reports of child abuse and suspected crimes to An Garda Síochána even in situations where:

- A report is retrospective – when it occurred when a person was under 18-years-old.
- You have made a decision not to speak with us.

It is up to you to decide whether or not you wish to make a statement of complaint to An Garda Síochána. If you need support with this Tusla will assist you directly and/or will advise you of appropriate support services.

If a statement is made to An Garda Síochána, they will investigate it, make a recommendation to the Director of Public Prosecutions (DPP) who will then decide if the case should go to court before a judge. If a statement is not given by you it is not possible for the case to go to court.

What happens if I don't know where the PSAA lives now?

If you don't know where the PSAA lives currently we may try to establish their address by requesting the help of An Garda Síochána or another State agency. If we cannot find the address, we may not be able to proceed with an investigation. It is the Tusla team closest to where a PSAA resides who has responsibility for an investigation. For example, if you live in the west of Ireland but the PSAA resides in Dublin the Tusla team in Dublin would undertake the investigation.

What if the PSAA is deceased?

If a PSAA is dead, there is no current risk to children and Tusla will not undertake any investigation.

What if I am not ready yet?

If you are not ready to speak with us we will close your case and ask you to contact us when you feel you are ready to proceed. However, if Tusla is concerned that your information indicates that there may be a current risk to children then Tusla will have to act to protect children.

We will try to tell you before taking any action (and in any event will write to you about it) and discuss with you any concerns about your safety, and any possible impact upon you that this action could have.

Some adult complainants may decide only to speak with An Garda Síochána. In these cases, An Garda Síochána may contact Tusla about child protection concerns and we may need to take similar steps to those outlined above.

You are always welcome to seek advice from Tusla by contacting your local Duty Social Work Team.

Supports Available for adults who have experienced child abuse:

- Rape Crisis Centre 1800 777888
- One in Four 01-6624070
- HSE National Counselling Service
<https://www.hse.ie/eng/services/list/4/mental-health-services/national-counselling-service/>

Your local Tusla office will be able to advise you of specific services available in your locality.

Further information:

- If you would like to view the Tusla Child Abuse Substantiation Procedure, it is available at: ****
- If you require any advice or wish to make a report of child abuse, please contact your local Tusla Office. Contact numbers are also available at www.tusla.ie
- If you wish to speak to An Garda Síochána, contact details are available at www.garda.ie