

CASP

Child Abuse Substantiation Procedure

A Guide for Adult Persons Subject to Allegations of Abuse

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

In our CASP policy, an accused person against whom an allegation is made is known as a Person Subject to Allegations of Abuse (PSAA). A person making a complaint is known as a Complainant and can be an adult or a child.

Child abuse can be defined as sexual abuse, physical abuse, emotional abuse or neglect.

Tusla - Child and Family Agency:

The Child & 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 its primary goal.

Tusla seeks to work with all persons affected by allegations of abuse with fairness, compassion, dignity, and respect while 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 form can allegations of Child Abuse take?

Allegations of abuse - sexual abuse, physical abuse, emotional abuse and neglect - can take several forms.

Retrospective abuse: Child abuse that an adult discloses which occurred in their childhood, when they were under 18 years of age.

Intra-familial abuse: Child abuse that a child makes against a member of their own family.

Extra-familial abuse: Child abuse that a child makes against a person who is not a member of their own immediate family.

Where are reports received from?

Complainants can contact Tusla directly but very often Tusla receive a referral from someone else that knows about the allegation, known as a third party referrer.

By law many professionals, such as counsellors, GPs, HSE staff members or teachers have legal obligations to report any worries regarding child abuse to Tusla. This is known as Mandatory Reporting.

What happens when Tusla receives a report of child abuse?

Tusla must consider if there is an immediate risk to children, and we take immediate and appropriate action to protect any child in this situation. This may involve telling others about our concerns as a result of the allegations made against you without informing you first. We will give you the chance to speak to these people before we do, where appropriate, but we will always make contact with them ourselves as well.

Tusla will interview the complainant and any witnesses they name, and come to a decision based on this about whether the allegations could be entirely possible. This is known as Stage 1 of the process.

If we think that there are continued reasonable causes for concern, we will put these to you and

seek a response from you. Tusla will also share all relevant information disclosed by the complainant and any related documents with you. We will give you time to consider your response to the allegations and then listen carefully to your views. This is known as Stage 2 of the substantiation process.

Legal advice

Tusla recommends that you seek legal advice when you receive the communication from us advising you of the fact that an allegation has been made against you. You are encouraged to bring your legal advisor to any meetings with Tusla.

If you choose not to have a legal advisor, then you may bring another support person with you to any meeting with Tusla.

Outcome of the investigation

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

Founded – is the concluding position of an investigation where it is established on the balance of probabilities that child abuse has occurred.

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

As a PSAA you can:

- Request a review of a founded outcome.
- Request to put questions to the complainant during the investigation or as part of a review. It is a matter for the complainant to decide if they wish to be party to such questioning. Tusla does not

have the authority to force a complainant to agree to such a cross examination.

A complainant will always be informed of the outcome of an investigation. However, if a review is requested the results will not be shared with the complainant until the conclusion of the review.

Will the Gardaí be told?

If a crime, or a suspected crime, has been committed against a child, even if it happened a long time ago, Tusla has a legal obligation to pass on all reports of child abuse and suspected crime to An Garda Síochána.

It is up to the person who alleges that they have experienced abuse to decide whether or not they wish to make a statement to An Garda Síochána.

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 a complainant, then it is not possible for the case to go to court.

If Tusla has a concern that you may pose a risk to a child or a vulnerable person then we must, by law, pass this information on to the National Vetting Bureau of An Garda Síochána. If this is to happen, you will be informed beforehand and your views on the matter sought. Such a notification has no impact on the conduct or outcome of a substantiation investigation.

In circumstances where there is a criminal investigation being undertaken by An Garda Síochána at the same time as an investigation by Tusla, Tusla will discuss the matter with An Garda

Síochána to agree how the two investigations will be proceeded with.

Informing other people

We may have to inform others of our concerns about you arising out of the allegations made against you in a number of circumstances. They are:

- If Tusla has to take immediate action to protect a child this may involve telling others about our concerns arising out of the allegations made against you without informing you beforehand.
- After a founded outcome has been arrived at you will be advised in advance of who we are going to tell and what we are going to tell them.
- After a review that confirms a founded outcome.

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.

Further information:

- If you would like to view the Tusla Child Abuse Substantiation Procedure, it is available at:(embed link when available) ****
- General information about Tusla is available at www.tusla.ie
- 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