

Child Abuse Substantiation Procedure (CASP)

Draft April 2021 Version 1.2

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Note: This draft document is for the purpose of stakeholder consultation between April and June 2021 only.

We are committed to ensuring that all of our work is open to review and in line with any legislative changes and/or best practice, the policy will be reviewed, one-year post implementation.

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Glossary of terms

Balance of probabilities: The civil standard of proof is that something is determined to have occurred based on ‘the balance of probabilities’. This is not the higher standard of proof for criminal prosecution, which is ‘beyond a reasonable doubt’. Saying something is proven on the balance of probabilities means it has been determined that it is more likely than not to have occurred. On balance, the probability that some event has occurred is more than 50 per cent, i.e. 51 per cent or higher.

Bona Fide: This is the threshold used in Section 19 (1) of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 for a specified information notification to be sent to the NVB. “*Bona Fide*” is interpreted as meaning; that having established that a reported concern to Tusla is ‘ostensibly credible’ the decision to make a specified information report to the NVB is made in good faith and is:

- Honest
- Accurate (based on the information available to you)
- Undertaken without deliberate intent to damage the good name of the subject of the specified information notification (SSIN) Reaching a decision that a ‘bona fide’ concern exists should involve the gathering of sufficient, relevant, reliable information.

Child abuse categories: Neglect, emotional abuse, physical abuse, sexual abuse – see *Children First: National Guidance for the Protection and Welfare of Children* (2017).

Children First: For the purpose of this procedure, Children First refers to the *Children First Act 2015* and *Children First: National Guidance for the Protection and Welfare of Children* (2017).

Complainant: In the context of this procedure, a complainant is a child or adult who has made allegations of child abuse.

Complainant safety plan: A plan developed between Tusla and An Garda Síochána in relation to the safety of a vulnerable complainant.

Extrafamilial abuse: Abuse occurring or alleged to have occurred to a child by a person outside of the immediate family or caregivers, i.e. the nuclear family unit.

Founded: The concluding position of an investigation where it is established on the balance of probabilities that child abuse has occurred. **Immediate serious risk:** For the

purpose of this procedure, immediate serious risk refers to situations where there is an immediate or impending risk of significant harm being inflicted on a child. **Immediate** refers to what is happening now or in the very near future; serious refers to the degree of harm that reaches the threshold of significant harm for child abuse or neglect.

Harm may be caused by one or a combination of factors, including neglect and/or emotional, physical or sexual abuse, as defined in *Children First: National Guidance for the Protection and Welfare of Children* (2017, page 7). A child might be considered ‘safe’ when there are no immediate threats of serious harm present and the exposure to future danger/harm to the child can be managed.

National Vetting Bureau (NVB): The NVB is established under the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

NCCIS: National Child Care Information System: The National Child Care Information System (NCCIS) is a computerised recording system detailing professional actions in response to referrals of child protection and welfare.

Signs of Safety: is the national approach to practice for child protection social work in Ireland. It is a safety-focused approach where social workers work with families and their networks to create safety for children where there is danger present. The safety plan for the children is tried and tested over time.

TCMS: Tusla Case Management System is a case management system which allows users to digitally manage and record their activities relating to a CASP substantiation investigation.

Ostensibly credible: Where the allegation could reasonably be true.

Person subject of abuse allegations (PSAA):

A person who has had allegations of child abuse made against them.

Relevant third parties:

1. Any person who is in a position of responsibility for a child’s or children’s safety and wellbeing. This would include parents or, in a case where the accused adult is a parent, his or her wife/husband/partner. (It excludes parents who live together with the child where they or their partner’s parenting is the focus of concern of a recent child abuse report.) It would also include someone who is in a position of direct authority over an accused adult, if this person is employed or if they volunteer in an organisation where they may have contact with children through their work. For example, the principal of a

school who has authority over a teacher; the CEO of a nongovernmental organisation (NGO) who has authority over an employee; the leader of a scout group with authority over a volunteer, etc. (See 'relevant organisation' in Section 2 of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.)

2. Any registration and/or regulatory body, e.g. CORU, Medical Council, Teaching Council, etc.

Retrospective abuse: Child abuse that an adult discloses that took place during their childhood. **Substantiation:** Tusla's official process of decision-making about the validity of abuse allegations, i.e. founded or unfounded. The standard of proof required is the civil law standard of the balance of probabilities.

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

1. Introduction

Tusla is committed to safeguarding the rights of children, young people and those who have disclosed abuse. Tusla works to ensure that those who have allegations made against them are subject to fair procedures that are transparent, fair and underpinned with the values of dignity and respect. The welfare of the child remains paramount throughout these processes.

This procedures document – *National Child Abuse Substantiation Procedure (CASP)* – outlines the steps required to ensure that fair procedures are followed in child protection investigations where the substantiation of allegations is necessary and a ‘relevant third party’ (see glossary) may ultimately be informed of the allegations.

Tusla’s *Child Abuse Substantiation Practice Guidance and Review Procedure* – shortened here to *Practice Guidance* – is provided to support CASP assist social work practitioners in implementing this procedure. This procedure document is to support best practice in managing and responding to allegations of abuse.

Tusla meets its obligations under data protection legislation, and social work staff must ensure that the requirements of data protection, as provided in the *Tusla Privacy Policy*, are applied, as appropriate, to all data subjects. Reference should also be made to the *Data Sharing Agreement between An Garda Síochána and Tusla* regarding the sharing of information, to ensure that any data-sharing exemptions required to facilitate the completion of a criminal investigation are considered and appropriately applied.

2. Scope of the procedure

Allegations of child abuse can be made by a child or an adult against an individual, including a child, and such allegations may be of a physical, neglect, sexual or emotional nature. Tusla has an obligation under the Child Care Act 1991 to promote the welfare of children who are not receiving adequate care and protection. It also has an obligation under the Child and Family Agency Act 2013 to ‘support and promote the development, welfare and protection of children’.

These procedures should be applied where a report of child abuse allegations has been received and the substantiation of these allegations is required to confirm formally to a relevant third party (see glossary) whether on the

balance of probabilities the outcome of a substantiation investigation of child abuse is founded or unfounded and the person subject of abuse allegations (PSAA) poses a potential risk to identified children or may pose a future risk to yet to be identified children. (See section 5 of the *Practice Guidance and Review Procedure - CASP*)

Child protection and child welfare (CP&W) cases are dealt with through the application of the CP&W standardised business processes, which applies the national practice framework, the Signs of Safety approach. Where parents are engaged and working cooperatively through Signs of Safety there would not normally be a requirement for a formal substantiation of child abuse. A social worker may though be obliged to initiate a specified information notification to the NVB where they have a bona fide concern that a person may harm a child or put a child at risk of harm [Sec 19, (1) *National Vetting Bureau (Children and Vulnerable Persons) Act 2012*] See *Tusla Policy and Procedure for Specified Information Reports to the National Vetting Bureau*.

Scope

All extrafamilial and retrospective allegations which meet the Children First threshold of reasonable grounds for concern and definition of child abuse and which pass a screening standard of ostensibly credible will be investigated by Tusla under CASP. Allegations made against foster carers, supported lodgings providers and members of professional care staff are to be regarded as extrafamilial allegations within the scope of CASP.

All intrafamilial allegations which meet the Children First threshold of reasonable grounds for concern and definition of child abuse and which pass a screening standard of ostensibly credible where parents are not constructively engaging under Signs of Safety will be investigated by Tusla under CASP.

All allegations made by children against children which meet the Children First threshold of reasonable grounds for concern and definition of child abuse and which pass a screening standard of ostensibly credible where the family are not constructively engaging under Signs of Safety will be investigated by Tusla under CASP.

Signs of Safety

National Approach to Practice underpinned by Signs of Safety: Intrafamilial Allegations

An allegation will be responded to under Signs of Safety where the allegation is made by a child complainant against a PSAA, who is their parent or adult family member and who lives in the same household as the complainant, provided the following criteria are satisfied:

- a) The parents and adult family member, where appropriate, are constructively engaging with Tusla under Signs of Safety; and
- b) The social worker is satisfied that the PSAA, who is the parent or adult family member of the child complainant and who lives in the same household as the complainant, is fully cooperating and is not engaged in any activities outside the home which would allow him or her to have access to children, for example any employment, self-employment, voluntary work or other activity which consists of care or supervision of children.
- c) The facts are such that it is reasonable to anticipate that any child protection risk in relation to a child or children will be dealt with in court childcare proceedings.

National Approach to Practice underpinned by Signs of Safety: Allegations Against a Child

An allegation will be responded to under Signs of Safety where the allegation is made by a child complainant against another child provided the following criteria are satisfied:

1. The family of the child PSAA are constructively engaging with Tusla under Signs of Safety; and
2. The facts are such that it is reasonable to anticipate that any child protection risk in relation to a child or children will be dealt with in court childcare proceedings.

Where the above criteria are not satisfied, CASP must be applied.

Note: The decision and the reasons for using Signs of Safety and not applying CASP should be fully recorded on the social work record. Also, social workers should ensure that CASP is applied in circumstance where either the PSAA withdraws their cooperation or the social worker becomes aware the PSAA is engaged in the activities mentioned in (b) above.

3. Key relevant legislation

Child Care Act 1991

Child and Family Agency Act 2013

National Vetting Bureau (Children and Vulnerable Persons) Act 2012

Children First Act 2015

Data Protection Act 2018

4. Principles governing the procedure

The following principles should inform decision making:

- a. The requirements of *Children First: National Guidance for the Protection and Welfare of Children* (2017) have to be met at all times. (The short title *Children First National Guidance* will be used in this document.)
- b. If a child is believed to be at immediate serious risk (see glossary), the child's immediate safety needs take priority over consideration of the PSAA's right to be informed of the allegations against him/her prior to necessary protective action being taken to ensure the safety and welfare of the child.
- c. Where there is a potential immediate serious risk to any child from a PSAA, Tusla must contact a relevant third party if such a measure is necessary to secure the child's immediate safety needs.
- d. From a child abuse substantiation perspective, social work professionals, following a substantiation investigation, must make a determination of founded or unfounded on the balance of probabilities and that social work profession must also make a determination of whether the PSAA poses a risk to children.
- e. In order to secure data privacy for all data subjects involved in child abuse substantiation investigation and ensure fair procedures are afforded, CASP cases should not be discussed in any forums outside of the immediate line management of the investigating social worker.

Tusla must ensure that all persons who have allegations of child abuse made against them are treated fairly. Due consideration should be given to their right to know, subject to appropriate safeguards and supports, who has made the allegations; the nature of the allegations; and their right to reply to them. In carrying out its investigation, Tusla should take into consideration any representations made by a PSAA. Tusla should not reach a final conclusion without considering such representations.

5. The procedure

Receiving a report

All reports of child abuse are processed through the Duty Intake system.

Reports of child abuse that meet the threshold of reasonable grounds for concern will be progressed in accordance with *Children First National Guidance*; the Children First Act 2015 and in line with approved Tusla policy and procedures, including compliance with the *Tusla Privacy Policy*. (See section 9 of the *Practice Guidance and Review Procedure - CASP*.) Reports of abuse to children in care that are received by the children in care team or fostering team that meet the threshold of reasonable grounds for concern should be notified to the child protection team in the area in which the foster carer/supported lodgings provider resides as a matter of priority. If the report does not meet that threshold, this should be recorded on the foster carers/supported lodgings provider and child in care file. The children in care team remain responsible for the immediate safety needs of the child.

Reports in relation to children in care that are received by the child protection team should be notified to the children in care team for that child (or children) and the fostering team.

Screening and preliminary enquiry phase

The screening process governs the activity required to determine if the report meets Tusla's eligibility criteria. Cases that do not meet all of the eligibility criteria are not the responsibility of Tusla, but may be relevant to other services.

The eligibility criteria for progressing from screening to preliminary enquiry (Stage 1) are:

- a. The report falls within the category of cases outlined as in scope and;
- b. The allegation meets the Children First

threshold of reasonable grounds for concern and definition of child abuse and;

- c. The allegation is ostensibly credible (see glossary).

All reports received will be subject to a screening and preliminary enquiry process to determine if there is a basis for a substantiation investigation or protective action (see section 5 CASP Practice Guidance and Review Procedure).

Duty/Intake Teams will conduct screening on Extra-familial, Intra-familial & Retrospective referrals to answer the questions:

- 1. Does the report fall within the category of cases outlined as in the scope?**
- 2. Do the allegations meet the Children First threshold of reasonable grounds for concern and definition of child abuse? and**
- 3. Is the report is ostensibly credible?**

If the answer is yes to the above, and the referral is not immediately unsupportable it will be referred to CASP Teams who will conduct a preliminary enquiry.

In relation to retrospective reports, the Retrospective Abuse Report Form (RARF) should be sent to the dedicated contact point (DCP) in the local social work area for screening for eligibility (as per above) and an acknowledgement letter should be issued within 24 hours.

The preliminary enquiry process covers the following:

1. Consultation with the reporter if the reporter is a third party.
2. Initial contact with the adult complainant or with the child alleging abuse – see sections 13, 14, 15 and 18 of the *Practice Guidance and Review Procedure - CASP*.
3. In the case of children in care, consultation with the allocated social worker and fostering team in the area in which the foster carer/supported lodgings provider resides.
4. Completion of any appropriate internal inquiries relating to information which may already be held by Tusla.
5. Determination of the action at the end of the preliminary enquiry, including if appropriate:
 - a. Recording that the report does not meet the eligibility criteria and that no further action is to be taken.
 - b. Deciding whether a social work substantiation investigation into the allegations is required.
 - c. Deciding whether there is an immediate serious risk to a child(ren) which requires

immediate protective action – see section 11 of the *Practice Guidance and Review Procedure - CASP*.

- d. Deciding whether the report relates to child abuse where a relevant third party will in likelihood have to be formally informed about the allegations and the outcome of the substantiation investigation.
- e. Ensuring that the child's right to protection is balanced with the PSAA's right to access fair procedures – see section 5 of the *Practice Guidance and Review Procedure - CASP*. Ensuring, where immediate serious risk is identified, the sharing of relevant information with relevant persons to ensure that an immediate child protection safety plan is in place and then proceeding to Stage 1 assessment – see sections 11, 23, 24 and 25 of the *Practice Guidance and Review Procedure - CASP*.
- f. Taking steps where no immediate serious risk has been identified, but abuse or risk of abuse being suspected, to proceed to Stage 1 substantiation investigation – see section 23 of the *Practice Guidance and Review Procedure - CASP*.
- g. Recording the type of abuse alleged after the preliminary enquiry.
- h. Informing and liaising with An Garda Síochána if abuse is suspected – see section 12 of the *Practice Guidance and Review Procedure - CASP*.
- i. If no abuse is suspected, recording that no abuse is evident and indicating that no further action is required or that referral to other relevant services is appropriate.
- j. Ensuring that the data being held is documented and processed in line with data protection requirements.
- k. Approving all actions with the social work team leader and assigning priority of the case.
- l. Providing a report to another service where required and recording that there is to be no further action by Tusla.

The process of affording a PSAA an opportunity to make representations should not prevent Tusla from taking any steps deemed necessary to protect a child from immediate serious risk (see section 5 of the *Practice Guidance and Review Procedure - CASP*). Any emergency actions should be undertaken in consultation with An Garda Síochána (see sections 11, 12 and 24 of the *Practice Guidance and Review Procedure - CASP*). In the case of children in care, the child protection team should liaise with the children in

care team for the child and the fostering team in the area in which the foster carer/supported lodgings provider resides.

Parents of a child in care should be informed of allegations against a PSAA within three working days of the allegation being received. Any decision not to do so should be clearly documented on the child in care file/record.

Data subjects (PSAA and complainant) should be provided with an appropriate level of detail regarding the information held on them by Tusla within the required statutory timeframe. On occasions, this may require PSAAs to be informed of the nature of the allegations against them prior to the completion of the Stage 1 assessment. In such situations, the PSAA should be informed:

- That no conclusions or decisions will be made on foot of the allegations until such time as they, the PSAA, have had an opportunity to respond.
- That they will be informed of the findings of the Stage 1 Substantiation investigation at a later specified time (date to be provided).
- That if this timeframe is to be extended, they will be informed and a new date provided.
- That Tusla has a statutory obligation to take steps as it deems required at any point where it believes a child may be at immediate or serious risk (social workers should refer to Tusla Privacy Policy).

Other considerations at the screening and preliminary enquiry phase:

1. A PSAA with a criminal conviction for sexual or physical assault of a child or wilful neglect of a child – see section 17 of the *Practice Guidance and Review Procedure - CASP*.
2. The refusal or inability of an adult or child alleging abuse to engage at the end of the preliminary enquiry or in the first stage of assessment – see section 19 of the *Practice Guidance and Review Procedure - CASP*.
3. Anonymous reports – see section 20 of the *Practice Guidance and Review Procedure - CASP*. Where a complainant requests anonymity – see section 21 of the *Practice Guidance and Review Procedure - CASP*.
4. If a report of allegations against a foster carer or supported lodgings provider is received directly by the child protection team, the social worker should inform the relevant child in care/ fostering

team of the report and obtain from them information that may be relevant to the preliminary enquiry.

Record-keeping

Upon the receipt of the referral a record should be opened on the following persons in NCCIS and/or TCMS:

- The Complainant, either a child or an adult
- The PSAA, either a child or an adult
- The name of each identified child who is believed to be at risk, including any child for whom the PSAA has direct care and control. (See section 22 of the *Practice Guidance and Review Procedure - CASP*.)

It is important that if the initial screening procedures do not support the need for a social work investigation, the reasons for this finding are recorded and kept for inspection purposes, **when required**.

Investigation of child abuse allegations where substantiation is required Stage 1

The purpose of Stage 1 is to engage children or adult complainants with regard to their allegation of child abuse – see sections 13, 15, 16, 18 and 23 of the *Practice Guidance and Review Procedure - CASP*

Where allegations are made by a child, a strategy meeting will decide on the appropriate joint actions to be taken by An Garda Síochána and Tusla. Any interview of a child will normally be undertaken in accordance with the requirements of Section 16(1)(b) of the Criminal Evidence Act 1992. (See section 12, 'Joint Specialist Interviewing of Children' in the *Joint Working Protocol for An Garda Síochána/Tusla – Child and Family Agency for Child Protection Investigations Requiring the Joint Specialist Interviewing of Children*).

An increasing number of adults are disclosing abuse that took place during their childhood and in many cases they believe, or have a concern, that the person who allegedly abused them is a current risk to children. These are defined as retrospective abuse cases. Such disclosures are often made when adults attend counselling. If these disclosures occur, it is essential to establish whether there is a current or future risk to any child who may have contact with the PSAA. The responsibilities of all professionals and members of the public with regard to retrospective disclosures are outlined in *Children First National Guidance* (2017, page 23); they are also outlined in the *Child Protection and Welfare Practice Handbook* (2011, section 3.1.16).

The substantiation task will be the responsibility of the substantiation service. The allocated child protection social worker who will work in collaboration with the substantiation service will be responsible for the immediate child protection safety planning while the substantiation investigation is in process.

Where an allegation of abuse has been made against a foster carer or supported lodgings provider, the allocated social worker for the child in care should be included as appropriate in planning meetings to ensure the safety of the child and other children placed in the foster care placement **including birth children of foster carers**.

The staff undertaking substantiation investigations will be responsible for the process of substantiation.

Action at the end of Stage 1:

1. Liaising with An Garda Síochána and joint action planning – see section 12 of the *Practice Guidance and Review Procedure - CASP*.
2. Informing third parties where there is an immediate serious risk to a child (this includes the children in care team for a child in care and the fostering team in the area in which the foster carer/supported lodgings provider resides) prior to the second stage of the substantiation investigation – see section 24 of the *Practice Guidance and Review Procedure - CASP*.
3. Sending a letter to the parents/legal guardian/caregiver of the child – see section 23 of the *Practice Guidance and Review Procedure - CASP*
4. Approving the social worker decisions by the Social Work Line Manager – see section 23 of the *Practice Guidance and Review Procedure - CASP*
5. Where an unfounded conclusion has been reached, informing the PSAA of this conclusion.

If Tusla is proceeding beyond the Stage 1 substantiation investigation phase, then the PSAA should be supplied with copies of all materials which are directly relevant to the allegations and substantiation investigation, and which will be used by the social work team in carrying out the substantiation investigation. The PSAA has the right to receive copies of all relevant material assembled by the social worker in carrying out the substantiation investigation. If there is information in the relevant documents which

relates to third parties, that information may be redacted on the grounds of data protection. (See *CASP Data Protection Guidance*.)

Stage 2

The purpose of Stage 2 is to engage the PSAA in respect of the allegations made against them. This includes:

- Writing to the PSAA for an initial meeting – see section 26 of the *Practice Guidance and Review Procedure - CASP*.
- Dealing with the PSAA's refusal or inability to engage – see section 27 of the *Practice Guidance and Review Procedure - CASP*.
- Meeting with the PSAA and assessing their response – see section 28 of the *Practice Guidance and Review Procedure - CASP*.
- Conducting other checks/additional investigation – see sections 30 of the *Practice Guidance and Review Procedure - CASP*
- Determining a provisional conclusion – see sections 31 and 32 of the *Practice Guidance and Review Procedure - CASP*
- Determining a final conclusion – see section 32 and 33 of the *Practice Guidance and Review Procedure - CASP*.

- Identify any third parties whom the PSAA believes have relevant information to the substantiation investigation process who should then be considered for interview by Tusla.
- Request an independent review of the substantiation investigation undertaken by the social worker following the final conclusion. (**A review request must not delay any protective actions or safety planning decisions for a child at immediate serious risk resulting from the final conclusion of the substantiation investigation**). Where there is no immediate serious risk to a child a notification to third parties will not take place until conclusion of the review process).
- Be advised of their rights under data protection legislation in accordance with Tusla's privacy policy.
- Avail of support from their link worker, if the PSAA is a foster carer.

For any assistance or clarification on *Tusla Privacy Policy*/wider data protection matters, contact your team lead or the data protection team at datacontroller@tusla.ie

Action at the end of Stage 2:

1. Informing the parents/child – see section 34 of the *Practice Guidance and Review Procedure - CASP*.
2. Informing the PSAA – see section 33 of the *Practice Guidance and Review Procedure - CASP*.
3. Informing any relevant third party – see section 34 and 35 of the *Practice Guidance and Review Procedure - CASP*.

A PSAA has a right to:

- Seek legal advice.
- Obtain all relevant material assembled by the social worker in the substantiation investigation process in order to inform their response to the allegations.
- Submit any documentation that the PSAA believes is relevant and/or that the PSAA seeks to rely on.
- Make any oral or written submissions the PSAA wishes to rely on and have these considered by Tusla during the substantiation investigation process.

6. Reviews

Once a substantiation investigation has been carried out and a final conclusion of founded has been reached, it is important that the PSAA is afforded the option of a review. See Part D, review procedure, in the *Practice Guidance*. The review provided is a “review for error” procedure which does not involve a full re-investigation of the allegations. The “review for error” is an impartial examination of the work undertaken by the social work team. As part of the review, the review panel shall examine the professional decision-making leading to the final conclusion of the substantiation investigation process in order to establish whether there was a sustainable basis for the final conclusion or whether the final conclusion was clearly in error. The review panel shall also examine whether sufficient fair procedures were afforded to the PSAA at all stages of the substantiation investigation process.

7. Timeframes for responses by social work area office, inclusive of Data Protection considerations

Stage of Process	Type of process	Retrospective Child Abuse Child Abuse	Time / action periods	Data Protection Action	Exemptions / Restrictions to be applied
SBP Screening	Report received	Adult Complainant (AC) Child Complainant (CC)	Within 1 Day of receipt of allegation	Inform the Complainant before, or at the time of collecting the data, about how their data shall be processed, their rights as data subjects and whom they may contact to manage their rights (i.e. provided with a letter, an information leaflet and a Privacy Notice together with support for any queries they may have).	A restriction to a data subject's right to information about the processing should only apply where informing the data subject about the processing would create an immediate, serious risk to a child or adult, that is, "the protection of the data subject or the rights and freedoms of others" necessitated a restriction to a data subject's right to information or if, as directed by An Garda Síochána, informing would impede a criminal investigation. See CASP Data Protection Guidance for details.
Preliminary Enquiry	Initial contact made with:	Adult Complainant (AC) Child Complainant (CC)	Within 5 days of receipt of allegation	Include a Privacy Notice in every communication to the complainant. Refer to White List of information sources if ascertaining contact details of the PSAA or other parties. See Tusla ICT site at Tusla Hub and Tusla ICT policies for acceptable information sources and applications .	
	Initial Interview of:	Adult Complainant (AC) Child Complainant (CC)	Within 14 days* of receipt of allegation	Keep the data subject informed about how their data is processed and their data subject rights by continuing to make the Privacy Notice available to them, verbally explaining the process and answering any questions they may have. Be prepared to explain how the data is processed and how data subject rights shall be managed; seek support from the Data Protection Unit if required.	

Stage of Process	Type of process	Retrospective Child Abuse Child Abuse	Time / action periods	Data Protection Action	Exemptions / Restrictions to be applied
Data Protection	Data Protection	Adult Complainant (AC) Child Complainant (CC) PSAA (retrospective child abuse and child abuse)	Within reasonable period but AT LATEST within 30-days of receipt of allegations.	<ul style="list-style-type: none"> Issue the letter in appendix 17 (TBC) or appendix 27 (TBC) with the relevant Privacy Notice. Keep the data subject informed about how their data is processed and their data subject rights by continuing to make the Privacy Notice available to them, verbally explaining the process and answering any questions they may have. Be prepared to explain how the data is processed and how data subject rights shall be managed; seek support from the Data Protection Unit if required. Inform the PSAA (and any other data subjects whose data is not collected from them) about the data processing without delay and no later than thirty days from when the data is first collected (i.e. provided with a letter, an information leaflet and a Privacy Notice together with support for any queries they may have). 	<p>In exceptional circumstances, an exemption may apply to informing the data subject within 30 days of collecting the data where:</p> <ol style="list-style-type: none"> The provision of the information proves impossible. Providing such information to the PSAA would place a child at risk. An agreement is made between Tusla and An Garda Síochána not to notify a PSAA as to do so would seriously impede a criminal investigation? Tusla has received the report of alleged child abuse from a mandated reporter under Section 14, Children First Act, and no information about the allegations has been received from another source. <p>Refer to CASP Data Protection Guidance to guide decision making. Ensure that the rationale for applying a restriction to the scope of data subjects rights is clearly stated in the record.</p>
Stage 1	Completion of Interview	Adult Complainant (AC) Child Complainant (CC)	<p>Within 60 days (2 months) – extended to 90 days (3months) from date of commencement of Stage 1 with social work manager agreement where complexity of substantiation investigation requires extension[△]</p> <p>A decision to proceed to stage 2 must be made within these specified timeframes.</p>	Keep the data subject informed about how their data is processed and their data subject rights by continuing to make the Privacy Notice available to them, verbally explaining the process and answering any questions they may have. Be prepared to explain how the data is processed and how data subject rights shall be managed; seek support from the Data Protection Unit if required.	See above in relation to the PSAA. As above

Stage of Process	Type of process	Retrospective Child Abuse Child Abuse	Time / action periods	Data Protection Action	Exemptions / Restrictions to be applied
Stage 2	Informing the PSAA of the complaint	PSAA (retrospective child abuse and child abuse)	Within 30 days from the date on which a decision to proceed to Stage 2 was made,	Provide the relevant materials to the PSAA at the appropriate time and in consideration of Fair Procedure; minimising disclosure of other data subjects' personal data; and minimising the risk of misuse of the data. Ensure that the data is delivered to the PSAA securely with no data breach.	If the above exemptions/restrictions have been applied, this action may be delayed. Ensure that the rationale for this action is clearly stated in the record.
	Further investigation following receipt of response from PSAA	Adult Complainant (AC) Child Complainant (CC) PSAA (retrospective child abuse and child abuse)	Within 60 days from receipt of response – extended to 80 days with social work manager agreement where complexity of substantiation investigation requires extension. Further extension for exceptional circumstance (meeting purpose of substantiation investigation; child at risk; criminal investigation; legal process) requires social work manager approval.	<ul style="list-style-type: none"> Continue to provide relevant material in consideration of Fair Procedure, Child Protection and Data Protection whilst minimizing risks to other data subjects, minimising the risk of misuse and ensuring secure delivery of data. Continue to keep data subjects informed about the data processing. 	
	Provision for PSAA to respond to provisional conclusion	PSAA (retrospective child abuse and child abuse)	Within 28 days of receipt of provisional conclusion	<ul style="list-style-type: none"> Continue to keep data subjects informed about the data processing. Provide the data subject with the Privacy Notice. Provide the relevant materials to the PSAA at the appropriate time and in consideration of Fair Procedure and minimising disclosure of other data subjects' personal data. Minimise the risk of misuse of the data. Ensure that the data is delivered to the PSAA securely with no data breach. 	

Stage of Process	Type of process	Retrospective Child Abuse Child Abuse	Time / action periods	Data Protection Action	Exemptions / Restrictions to be applied
Stage 2 (ctd)	Provision of Final Conclusion	PSAA (retrospective child abuse and child abuse)	Within 60 days in receipt of response—extended to 80 days with social work manager agreement where complexity of substantiation investigation requires extension. Further extension for exceptional circumstance (meeting purpose of substantiation investigation; further investigation, child at risk; criminal investigation; legal process) requires social work manager approval.	<ul style="list-style-type: none"> Continue to provide relevant material in consideration of Fair Procedure, the protection and welfare of children and Data Protection; whilst minimising risks to other data subjects and ensuring secure delivery of data. Continue to keep data subjects informed about the data processing. 	
Review	Provision for Review request by PSAA following final conclusion.	PSAA (retrospective child abuse and child abuse)	14 days from date on which final conclusion is issued	<ul style="list-style-type: none"> Keep the data subject informed about how their data is processed and their data subject rights by continuing to make the Privacy Notice available to them, verbally explaining the process and answering any questions they may have. Be prepared to explain how the data is processed and how data subject rights shall be managed; seek support from the Data Protection Unit if required. 	

* Subject to the availability of the adult complainant or PSAA

Case prioritisation

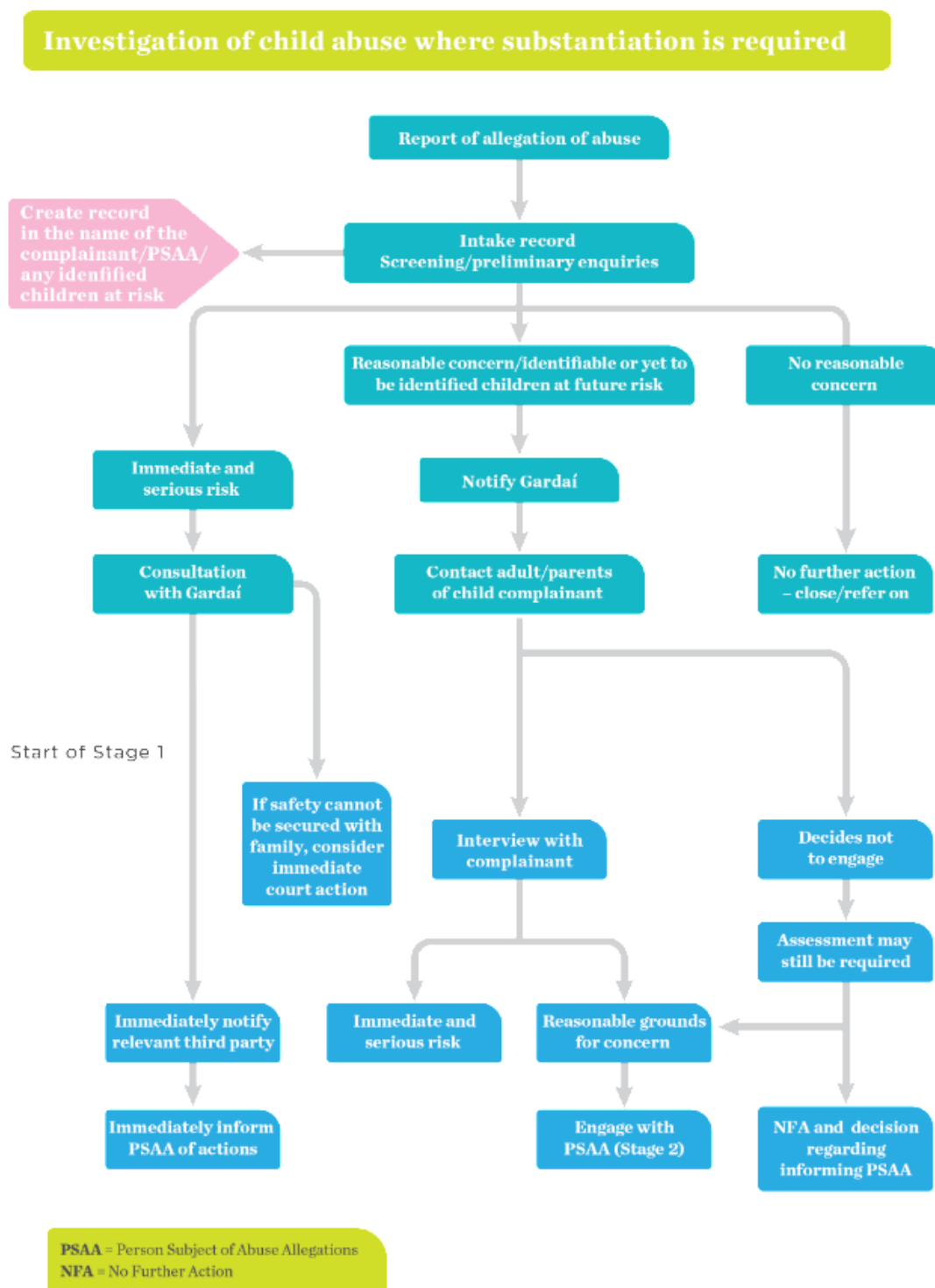
Case prioritisation

Please refer to Case prioritisation Guidance Document

Appendix 1: Process Map:

Standard Operating Procedure for CASP

Screening/Preliminary Enquiry to Stage 1 Investigation

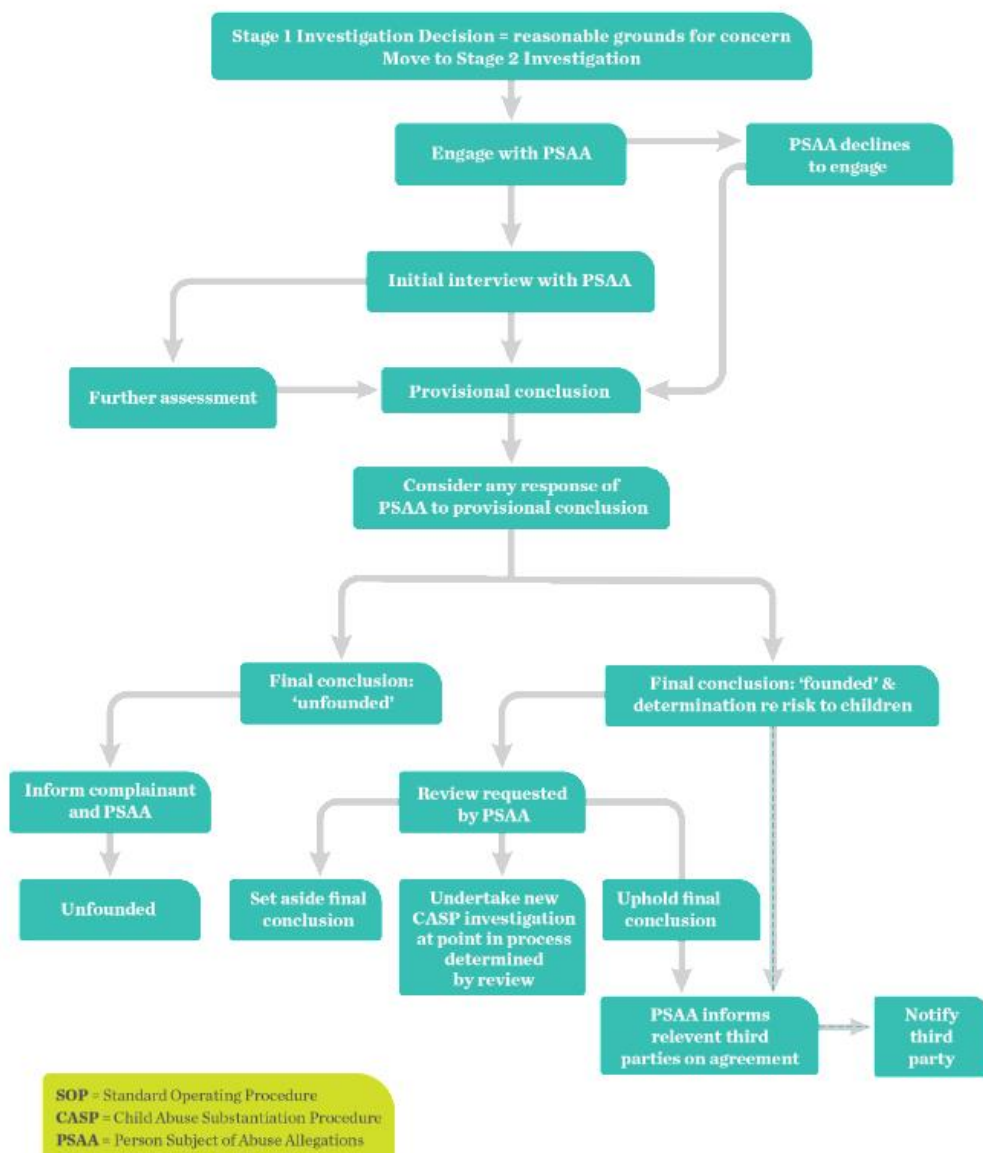


Appendix 2: Process Map:

Standard Operating Procedure for CASP

Stage 2 Investigation and Review

SOP CASP Stage 2 Investigation and Review



Draft V 1.2 2021 This draft document is for the purposes of stakeholder consultation between April and June 2021 only