

CASP

Child Abuse Substantiation Procedure and Practice

A Guide for a Child who has had Allegations of Child Abuse made against them

This Tusla leaflet will tell you what we do when someone says they have been abused by another person.

Tusla the Child and Family Agency:

Tusla-Child and Family Agency is the Government organisation, along with the Gardaí, that makes sure children are protected and receive good care. Keeping children safe from harm is Tusla's number one goal.

When someone accuses another person of abuse, they can tell Tusla and the men and women working for Tusla look into all the facts, examine both sides of the story, and treat everyone fairly and with respect while making sure we follow the law and our own rules.

Why CASP?

Tusla uses a plan called the Child Abuse Substantiation Procedure (CASP) to investigate complaints of child abuse. As part of this plan, we may need to tell parents, family members, your boss, or groups you may be involved in your area, about any abuse that may or may not have happened, so that we can keep children safe.

In our CASP plan, a person against whom an allegation is made is known as a Person Subject to Allegations of Abuse – a PSAA –and this can be a young person too. A person making a complaint against you is known as a Complainant.

What form can allegations of Child Abuse take?

Child abuse can be sexual, physical, emotional, or involve the neglect of someone else.

Allegations or complaints of child abuse can be different and can take place in different places and at different places, including the following:

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

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

Retrospective abuse: Abuse that an adult reveals now, but it occurred in their childhood when they were under 18-years-old.

Where are Reports received from?

Complainants who say they were abused can contact Tusla directly. But very often Tusla receives a referral, or report, from someone that the complainant has spoken too. This person is known as a third party referrer.

By law many professionals, such as counsellors, GPs, HSE staff members or teachers have to report any concern regarding child abuse to Tusla. This is known as mandatory reporting.

What happens when Tusla receives a report of child abuse?

Tusla staff have to decide if there are children in danger right now, and we take quick action to protect any child in this situation. This may involve telling others about the concerns made against you without telling you first. Where possible, we will give you and your parents/guardians the chance to speak to these people before we do. We'll also chat to you about how this might affect you and your family.

Tusla will interview the Complainant (the person making the complaint) and any witnesses (a person who saw/heard something take place or who may have important information about it) they name, and make a decision about what could have happened. This is known as Stage 1 of the Tusla CASP process.

If we think the allegations made against you could have happened, we will tell you what you have been accused of, and share all information and documents given to us by the complainant. We will give you and your parents/guardians time to reply and we will listen very carefully to your views. This is known as Stage 2 of the CASP process.

You are not obliged to meet with us. If you do not wish to attend or provide a response in writing, Tusla will have to make a decision whether you pose a risk to children without the benefit of your response.

Support from a legal professional

Tusla recommends that you and your parents/guardians get assistance from a lawyer when you hear from us stating an allegation was made against you.

You are encouraged to bring both your parents/guardian and your lawyer to any meetings with Tusla to help set out your case.

The final decision

At the end of the investigation Tusla staff will give you a result and say what they found out about the case. They will say the allegation against you was either a:

1. **Founded outcome:** It is decided, given all the information provided by everyone involved in the case, that more than likely child abuse happened.
2. **Unfounded outcome:** It is decided, given all the information provided by both sides, that more than likely child abuse didn't happen.

A complainant will always be informed of the result of an investigation. However, if a review of the decisions takes place, the outcome will not be shared with the complainant until the end of the review.

As a Person Subject to Allegations of Abuse(PSAA) you and your parents can:

- Request to put questions to the person who made the complaint (the complainant) during the investigation or as part of a review. It's up to the complainant to decide if they want to reply to such questions. Tusla cannot force a complainant to agree to this.
- Request a review of a founded outcome.

What is a review?

Once the results of the investigation have been decided you may ask for another group of people to look at the case again to make sure it was carried out fairly. This is known as a review and you will be told about the results of this review.

Will the Gardai be told?

If it's believed that a crime has taken place against a child, Tusla will tell the Gardai. By law Tusla give reports of child abuse and a suspected crime to the Gardai. It is up to the complainant to decide if they wish talk to the Gardai about what happened to them.

If a complainant goes to the Gardai and states what happened to them, the Gardai will investigate their complaints, add up all the facts, and contact the Director of Public Prosecutions (DPP). The DPP then decides if the case should go to a court before a

judge or not. If a statement is not given by a complainant, the case will not go to court.

If Tusla is concerned that you may pose a risk to a child, or with people in need of special support, it has to tell the National Vetting Bureau of the Gardai. This Bureau carries out background checks on people who work with children or with people in need of special support. If this is to happen, you will be told first and you and your parent's views will be asked.

When there is both a Garda investigation and a Tusla investigation, Tusla will discuss the matter with the Gardai to agree how the two investigations will be worked together.

Informing other people outside your family

Tusla may have to speak to others about concerns they have about you if:

- A child is in danger. Therefore, Tusla will tell others about the concerns made against you without contacting you first.
- After a review has been carried out or after a founded outcome has been arrived at. If this happens we will tell you beforehand of who we are going to tell and what it is we are going to say to them.

Further information:

- 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, please contact your local Tusla Office. Contact numbers are also available at www.tusla.ie (insert link)