NCSE Procedures for Dealing with Child Protection and Welfare Concerns July 2024[1]

The full commencement of the Children First Act (2015) has placed specific additional responsibilities and legal obligations on NCSE staff to protect children[2] and keep them safe. These procedures outline what staff are required to do when they have child protection and welfare concerns and how they should report those concerns to Tusla. These procedures should be read in conjunction with the NCSE Information Guide for Dealing with Child Protection and Welfare Concerns for further guidance and detail on how abuse is defined, how to recognise harm and determine reasonable grounds for concern and how to determine incidents of harm that meet or exceed a specified threshold.

The Act identifies four different categories of abuse: neglect, emotional abuse, physical abuse and sexual abuse. Where staff members have a child protection and welfare concern, there are two different types of reports that should be made to Tusla and these are outlined below.

Reporting a Concern about a Child

1. All staff- Reporting reasonable grounds for concern

Any staff member within the NCSE that has **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected should always inform Tusla as soon as practicable. Details on what reasonable grounds can include are outlined in the NCSE Information Guide.

If you have reasonable grounds for concern, you must fill in the Tulsa form [see attached] providing as much information as possible and submit it to one of the NCSE's Designated Liaison Persons (DLPs), who will submit the completed form to Tusla. The DLP for all staff outside Head Office is the relevant Acting Regional Manager for the region as follows:

- Region 1 – Margaret O'Brien (margaret.obrien@ncse.ie)
- Region 2 - Órla Donnellan (orla.donnellan@ncse.ie)
- Head Office – Jennifer Doran (jennifer.doran@ncse.ie)

If you are concerned about a child but unsure whether you should report it to Tusla, you can contact Tusla or one of the NCSE's DLPs to informally discuss your concern.

All DLPs must send **a hard copy only of the report to head office for central filing**. Copies should be sent to Jennifer Doran, NCSE, 1-2 Mill Street, Trim, Co. Meath, C15 P2KC.

2. Mandated persons- Mandated reporting

Under the Children First Act, certain mandated people must by law report directly to Tusla any incidences of harm that meet or exceed a **specified threshold** (see further detail in the Information Guide on the thresholds). They must also help Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

The NCSE has a number of mandated persons within the organisation who provide supports and interventions directly to children. These are:

- Visiting Teachers

[1] Note these procedures first issued in March 2018 and updated versions issued in September 2018, February 2019 and now in July 2024 to take account of changes in DLP roles in NCSE.

[2] A child means a person under the age of 18 years, who is not or has not been married (Children First, DCYA, 2017).

- Seconded staff working directly with children
- Speech and Language Therapists
- Occupational Therapists
- Behaviour Practitioners

Mandated reports must be submitted **directly** to your local Tusla office as soon as practicable - see Tusla website for details www.tusla.ie. You must fill in the Tulsa form [see attached] and include as much information as possible.

A hard copy only of the report must be sent to head office for central filing. Copies should be sent to Jennifer Doran, NCSE, 1-2 Mill Street, Trim, Co. Meath, C15 P2KC.

As a mandated person, you may make a mandated report to Tusla jointly with another person, for example, a teacher or principal. **A hard copy only of all joint reports must also be sent to head office for central filing**. Copies should be sent to Jennifer Doran, NCSE, 1-2 Mill Street, Trim, Co. Meath, C15 P2KC.

If you feel the concern may require urgent intervention to make the child safe, you can alert Tusla of the concern in advance of submitting a written report. You must then submit a mandated report to Tusla on the report form **within three days**. Under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by Tusla. If you think the child is in immediate danger and you cannot contact Tusla, you should contact the Gardaí.

Tusla are obliged to acknowledge in writing all mandated reports they receive. **A hard copy of this acknowledgement must be sent to** Jennifer Doran, NCSE, 1-2 Mill Street, Trim, Co. Meath, C15 P2KC.

3. Informing the family that a report is being made

The Children First Act does not require you to inform the family that a report under the legislation is being made to Tusla. However, it is good practice to tell the family that a report is being made and the reasons for the decision. It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment. Also, you do not need to inform the family if you reasonably believe that by doing so it may place you at risk of harm from the family.

4. Consequences of non-reporting

The Children First Act does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However, you should be aware that there are possible consequences for a failure to report. There are a number of administrative actions that Tusla could take if, after an investigation, it emerges that you did not make a mandated report and a child was subsequently left at risk or harmed. Tusla may:

- Make a complaint to the Fitness to Practise Committee of a regulatory body of which you are a member
- Pass information about your failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could therefore be disclosed to your current or future employers when you are next vetted.

The NCSE considers a failure to report a child protection concern to be a disciplinary matter and will deal with cases of non-disclosure through the existing disciplinary channels.

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a

child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report under the Act is a criminal offence under that legislation. This obligation is **in addition to** any obligations under the Children First Act 2015.

5. Mandated Assisting

When Tusla receives a report of harm to a child, in some instances Tusla will need further information from the person making the report. The Children First Act provides that all mandated persons can be asked by Tusla to provide any necessary and proportionate assistance to aid Tusla in assessing the risk to a child arising from a mandated report. You must comply with this request, regardless of who made the report.

If you are required to provide mandated assistance to Tusla, **you must inform your line manager and head office** without disclosing additional specific information about the case. You can notify **in writing,** Jennifer Doran, NCSE, 1-2 Mill Street, Trim, Co. Meath, C15 P2KC and this will be noted in the file.

6. Training

Tusla has developed a universal e-learning training programme called 'Introduction to Children First'. The programme has been written to support people of all backgrounds and experience in recognising concerns about children and reporting such concerns if they arise.

The programme takes approximately 1.5 hours to complete but it can be done in a number of sittings. It covers topics including:

- Recognising and reporting child abuse;
- The role of mandated persons;
- The responsibilities of organisations working with children to safeguard children;
- The role of designated liaison persons.

All NCSE staff must complete this training programme. Upon completion, staff will receive a certificate of completion to their email address. A copy of this certification must be sent to HR as a record of the training undertaken at HR@ncse.ie.