



Putting
CHILDREN
FIRST



Information for Mandated Persons

From 11th December 2017, the Children First Act 2015 places a legal obligation on certain people, many of whom are professionals, to report child protection concerns at or above a defined threshold to Tusla - the Child and Family Agency.

The Department of Children and Youth Affairs and Tusla have developed a suite of resources to support the full implementation of the Act. Please consult these resource documents or [Schedule 2](#) of the Act to find out if you are a mandated person.

Mandated persons have two main legal obligations under the Act:

1. To report the harm of children above a defined threshold to Tusla;
2. To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

1. Mandated Reporting

Mandated Persons have a legal responsibility to report if a child is being harmed, has been harmed or is at risk of being harmed, to the point where the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected, or where a child believes that he/she has been harmed, is being harmed, or is at risk of being harmed, and discloses this belief to a Mandated Person.

'Harm' is defined in the Children First Act 2015 as -

(a) assault, ill-treatment or neglect of the child in a manner that seriously affects, or is likely to seriously affect the child's health, development or welfare, or,

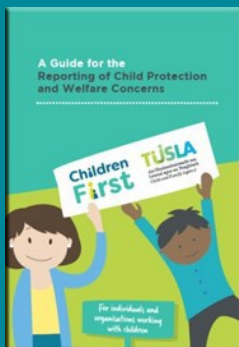
(a) sexual abuse of the child.

Mandated reports should be submitted to Tusla using the required report form, on which you should indicate that your report is a mandated report. If your concern does not reach the above threshold for mandated reporting, but you still have reasonable grounds for concern about the welfare or protection of a child, you should still report that concern to Tusla but do not tick the mandated report box.

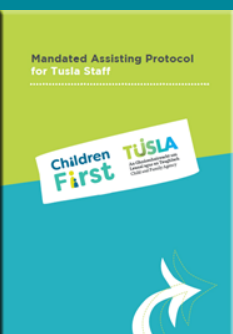
All Mandated Persons must read chapter 3 of Children First: National Guidance for the Protection and Welfare of Children 2017



Mandated Persons should also read the following Tusla support documents:



A Guide for the Reporting of Child Protection and Welfare Concerns



Mandated Assisting Protocol for Tusla Staff

Consequences of non-reporting

The Children First Act 2015 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 can 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. This may include a complaint to the Fitness to Practise Committee and/or a report to the National Vetting Bureau of An Garda Síochána.

2. Mandated Assisting

Tusla may request assistance from mandated persons when assessing a concern which has been the subject of a mandated report, regardless of who made the report.

Assistance will be relevant where a mandated person's existing knowledge of a child and/or their family are essential to the assessment or where a mandated person's professional expertise is required to ensure that the child's best interests are met. It may be that a verbal telephone report is sufficient or that the mandated person is asked for copies of existing reports, records or correspondence. Tusla may also request that a mandated person contributes their own professional report to the overall social work assessment.

Sharing Information

If you are required to share information with Tusla when assisting in the assessment of risk to a child, you are protected from civil liability under [Section 16 \(3\)](#) of the Children First Act 2015.

[Section 17](#) of the Children First Act 2015 provides that information shared by Tusla must not be disclosed to a third party unless authorised by Tusla in writing.