



HSE Child Protection and Welfare Policy



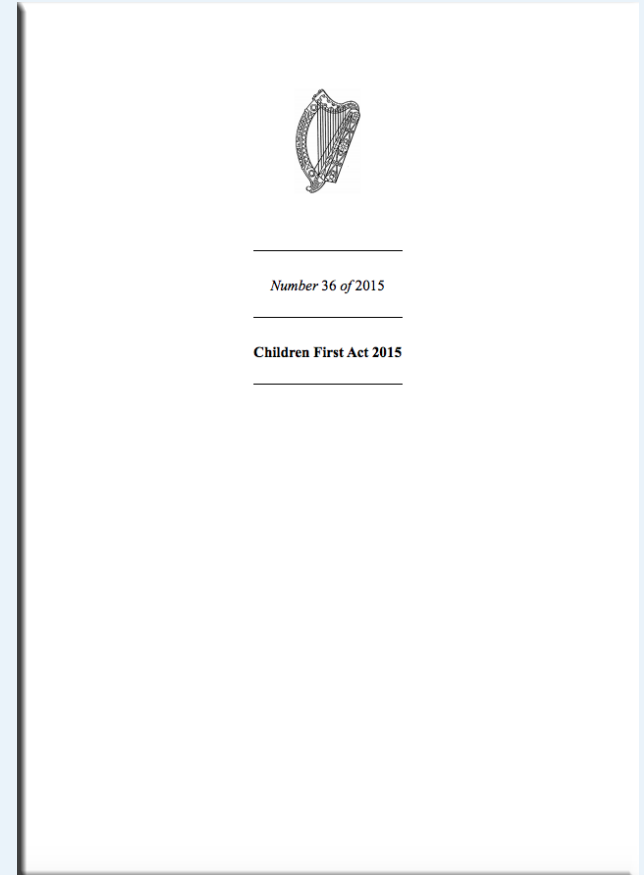
HSE Child Protection and Welfare Policy

A brief overview...



Children First Act 2015

- Fully commenced in December 2017
- Legal requirements on ‘relevant services’
- Legal requirements on ‘mandated persons’



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Guiding Principles (Section 2)

- Everyone is responsible
- Best interests of child are paramount
- Early intervention key to better outcomes
- Balance between protecting children and respecting others rights
- Children have a right to respect, to be heard, listened to and taken seriously

Guiding Principles (Section 2) continued

- All children must be treated equally and have the right to be protected from harm and discrimination
- We must work together in the interests of children
- Staff require training and clarity in relation to their roles when working with children
- Responsibility to report concerns to Tusla

Roles and Responsibilities (Section 4)

- All staff
- Line managers
- Senior management
- Mandated persons
- Designated officers

All Staff (Section 4.1)

- Complete “An Introduction to Children First”
- Check
 - Designated Officer
 - Mandated Person
- Report and record
- Assist Tusla

Line Managers (Section 4.2)

- Ensure staff:
 - understand their roles and responsibilities
 - complete “An Introduction to Children First”
- Provide consultation and assistance
- Reporting Procedure
- Filing system/recording practices
- Information sharing

Senior Management (Section 4.3)

- Planning and implementation
- Risk Assessment and Child Safeguarding Statement
- Line managers responsibilities
- Secure filing systems
- Funded and contracted services

Mandated Persons (Section 4.4)

Two main legal obligations under the Children First Act 2015:

1. Mandated reporting
2. Mandated assisting

Schedule 2: List of Mandated Persons

1. Registered **medical practitioner** within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered **nurse** or registered **midwife** within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. **Physiotherapist** registered in the register of members of that profession.
4. **Speech and language therapist** registered in the register of members of that profession.
5. **Occupational therapist** registered in the register of members of that profession.
6. Registered **dentist** within the meaning of section 2 of the Dentists Act 1985.
7. **Psychologist** who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. **Social care worker** who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. **Social worker** who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. **Emergency medical technician, paramedic and advanced paramedic** registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. **Probation officer** within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. **Teacher** registered with the Teaching Council.
13. Member of **An Garda Síochána**.
14. **Guardian ad litem** appointed in accordance with section 26 of the Child Care Act 1991.

Schedule 2: List of Mandated Persons continued

15. Person employed in any of the following capacities:

- (a) **manager of domestic violence shelter;**
- (b) **manager of homeless provision or emergency accommodation facility;**
- (c) **manager of asylum seeker accommodation** (direct provision) centre;
- (d) **addiction counsellor** employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
- (e) **psychotherapist** or a person providing counselling who is registered with one of the voluntary professional bodies;
- (f) **manager of a language school or other recreational school where children reside away from home;**
- (g) **member of the clergy** (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
- (h) **director of any institution where a child is detained by an order of a court;**

- (i) **safeguarding officer, child protection officer or other person** (howsoever described) who is employed for the purpose of **performing the child welfare and protection function of** religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
- (j) **child care staff** member employed in a **pre-school service** within the meaning of Part VIIA of the Child Care Act 1991;
- (k) **person responsible for the care or management of a youth work service** within the meaning of section 2 of the Youth Work Act 2001.

16. **Youth worker** who—

- (a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
- (b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

17. **Foster carer** registered with the Agency.

18. A **person carrying on a pre-school service** within the meaning of Part VIIA of the Child Care Act 1991.

HSE Reporting Procedure (Section 5)

Staff member **recognises** a Child Protection or Welfare Concern.

Respond to any immediate safety needs.

Consult with your Line Manager or most appropriate senior staff member, where necessary, to determine if there are **reasonable grounds** to report a concern to **Tusla** (Mandated Persons should then determine if the concern meets the threshold of harm for a mandated report). An **informal consultation** may be held at any time in the reporting process with a **Tusla Social Work Contact Point**. Always **inform** your Line Manager of any concerns, reports and related actions taken.

Decision to **report**

Where there is **immediate and serious risk**, ensure the safety of the child and contact the **Tusla Social Work Contact Point** by phone. Where Tusla is unavailable, contact An Garda Síochána.

Complete the appropriate report form on Tusla's reporting portal at www.tusla.ie. Reports may be sent by registered post or in person only where online accessibility is not possible.

Tusla provide an **out-of-hours** service between 6pm and 6am every night, and between 9am and 5pm on Saturdays, Sundays or Bank Holidays. This may be accessed through a restricted professional helpline number available in your service, or through An Garda Síochána. Mandated Persons only may contact the out-of-hours service on 0818 776 315.

Decision **not to report**

Both the staff member and their Line Manager should be in agreement where a concern does not meet with reasonable grounds to report to Tusla.

If there is disagreement, further consultation may be sought from Tusla and/or a report should be made reasonably and in good faith to a **Tusla Social Work Contact Point**. The Line Manager should be Informed if a report is sent to Tusla.

HSE Reporting Procedure continued

Wherever possible, service users/parents or guardians should be **informed** of any child protection or welfare concerns, or where a report is being made to Tusla or An Garda Síochána, unless to do so would create a risk of harm, or impair Tusla or An Garda Síochána's ability to assess or investigate a concern. Always consult your Line Manager in this situation.



Keep up-to-date **records** of the concern, including contact with the child, parents/guardians, any consultations, decisions and reports, and store in accordance with HSE Child Protection and Welfare Policy.

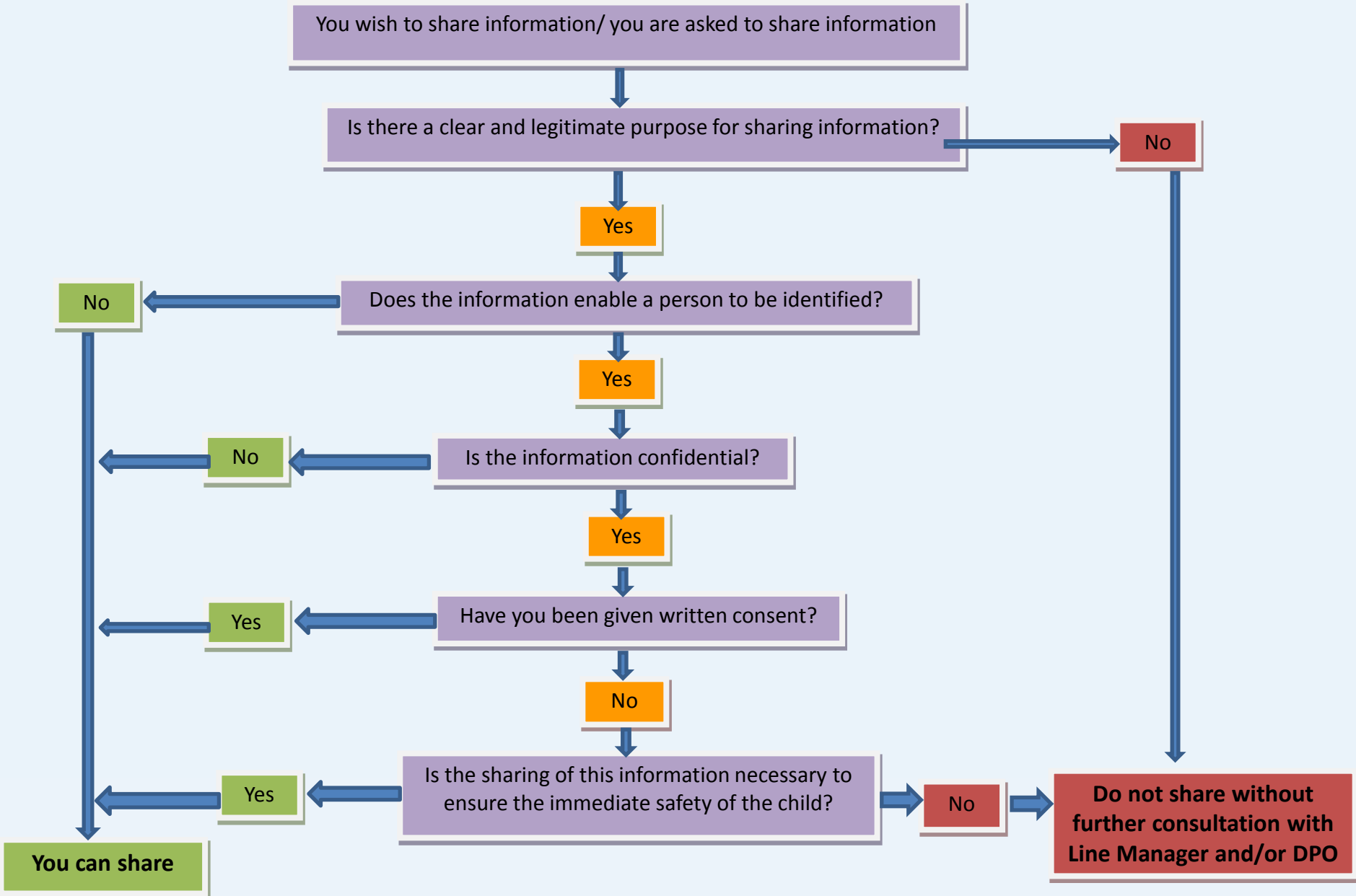


Assist Tusla where requested.

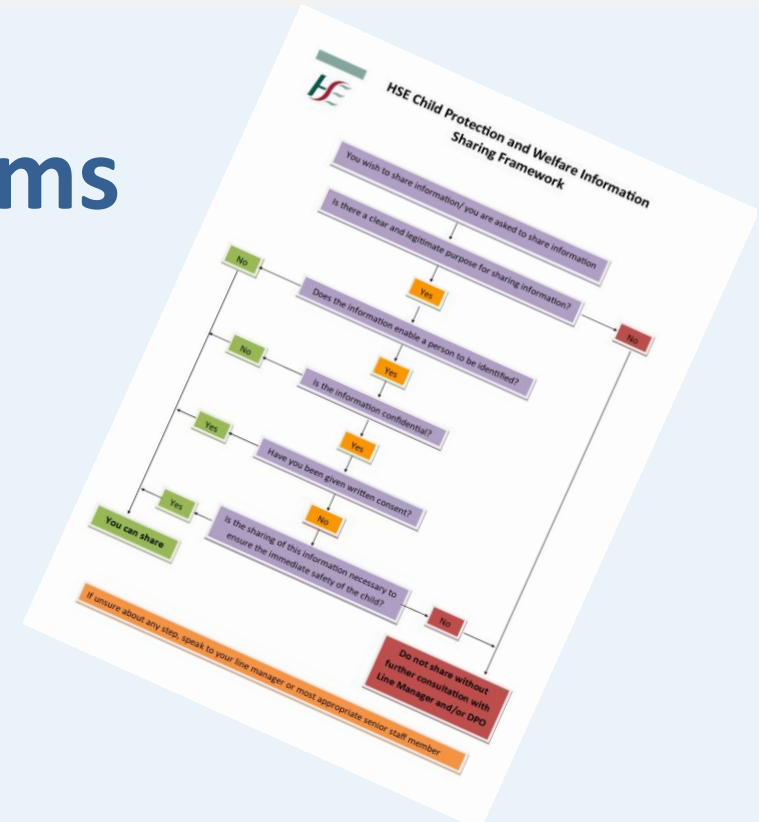
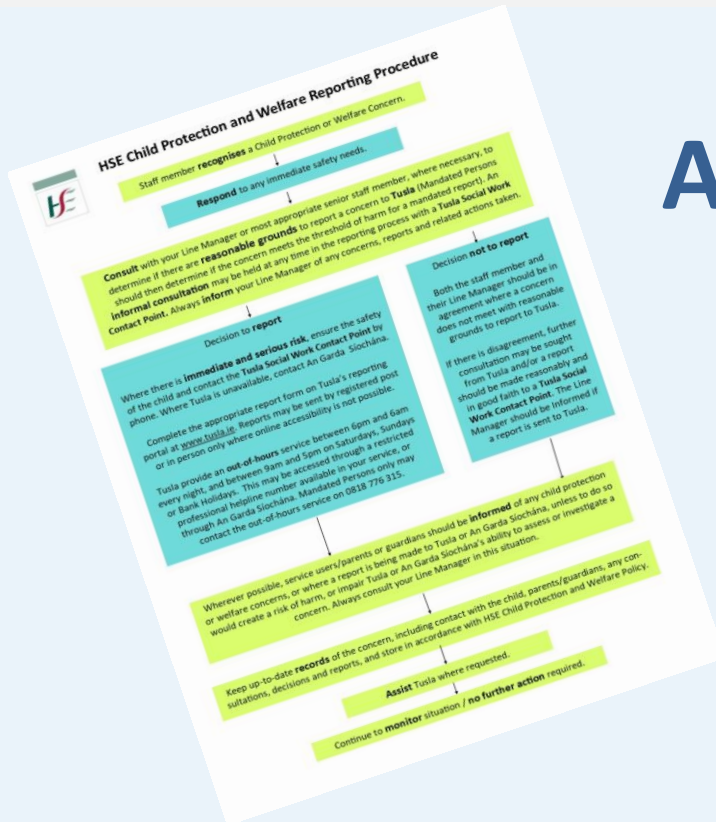


Continue to **monitor** situation / **no further action** required.

HSE Child Protection and Welfare Information Sharing Framework (Section 7)



Algorithms



These Algorithms are available on p34 and p43 of the Child Protection and Welfare Policy. You can also find them on the HSE Children First website www.hse.ie/childrenfirst where they are available to download.

Further Information

- www.hse.ie/childrenfirst
- Contact Us
- Thank you for your attention.

