



Information for Mandated Persons

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 - 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. Staff should check these resource documents or [Schedule 2](#) of the Act to find out if they 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

A Mandated Person is required to report to Tusla without delay, any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. This includes where a child discloses their belief to a Mandated Person that they have been, are being or are likely to be harmed.

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

- ◆ “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,
- ◆ sexual abuse of the child.”

Mandated reports should be submitted to Tusla using the [Tusla Web-portal](#). If your concern does not reach the 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.

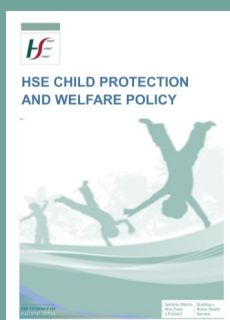
As a Mandated Person, you should be aware that the legal obligation to report mandated concerns rests with you. You may make a report jointly with any other person who shares your concerns.

If a child is at immediate risk and you cannot speak to a [Duty Social Worker](#) in Tusla, contact [An Garda Síochána](#) without delay

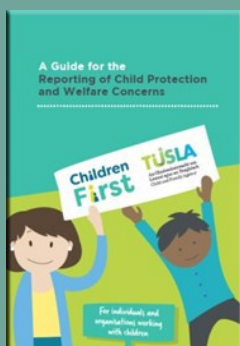
All Mandated Persons must read chapter 3 of Children First: National Guidance (2017)



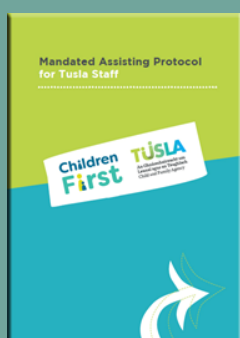
Mandated Persons should also read the following documents:



HSE Child Protection and Welfare Policy



A Guide for the Reporting of Child Protection and Welfare Concerns



Mandated Assisting Protocol for Tusla Staff
(www.tusla.ie)

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, the following consequences may apply:

- ◆ HR/Disciplinary procedures
- ◆ Fitness to practice complaint to the professional's regulatory body
- ◆ Information may be passed 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.

According to the Children First Act 2015, mandated assistance is the provision of:

- ◆ verbal or written information or reports.
- ◆ attendance at any meeting arranged by Tusla in connection with an assessment of a child, e.g. Strategy Meeting, Child Protection Conference.
- ◆ the production to Tusla of any document or thing.

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 during the period of assessment of a mandated report must not be disclosed to a third party unless in accordance with law or authorised by Tusla in writing.