



**ADDENDUM TO
CHILDREN FIRST: NATIONAL
GUIDANCE FOR THE PROTECTION
AND WELFARE OF CHILDREN (2017)**

Dealing with Adult Retrospective
Disclosures of Childhood Abuse.



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DEALING WITH ADULT RETROSPECTIVE DISCLOSURES OF CHILDHOOD ABUSE

Background

This addendum modifies a portion of the text contained in *Children First: National Guidance for the Protection and Welfare of Children* (Department of Children and Youth Affairs, 2017), which are the national guidelines to assist professionals, organisations and individuals to recognise and report child abuse and neglect. Paragraphs 1 and 2 under the 'Dealing with a retrospective allegation' heading on page 23 of the National Guidance are being replaced (see new text below under the 'Mandated Persons and Adult Retrospective Disclosures of Childhood Abuse' heading).

The addendum also restates the legal obligation of mandated persons to report the harm of children above a defined threshold to Tusla under the Children First Act 2015, which is described in chapter 3 of the Children First National Guidance. It also restates the non-statutory best practice for all individuals, including mandated persons, to report reasonable concerns about the welfare or protection of a child to Tusla under the National Guidance (in chapter 2). Finally, the addendum outlines how to report child protection or welfare concerns, which supplements the text about 'Reporting a Concern about a Child' and 'Making a Mandated Report' contained in the National Guidance (on pages 13/14 and 24/25 respectively).

The addendum has been issued by the Minister for Children, Disability and Equality under section 6 of the Children First Act 2015. It follows a Court of Appeal Judgment on 8 December 2023 ([2023] IECA 298) regarding section 14(1)(a) of the Children First Act 2015 relating to mandatory reporting.

The Judgment has confirmed that if, as a result of information received from an adult (in the course of the mandated person's employment or profession), the mandated person knows, believes or has a reasonable suspicion that a person who is currently a child has been harmed, is being harmed or is at risk of being harmed, they must report this information without delay to Tusla under the Act. However, the Judgement also clarified that mandated persons are not required by the Children First Act to report adult retrospective disclosures of childhood abuse to Tusla, in circumstances where harm or risk of harm to a person who is currently a child (ie person who is under the age of 18 at the time of the disclosure) has not been identified or is not suspected. This clarification regarding the legislative definition of a 'child' who 'has been harmed' in section 14(1)(a) of the Act is reflected in the addendum.

This addendum should be read alongside the Children First Act 2015 and the Children First National Guidance (2017). The addendum is not intended as legal opinion or advice and, if in doubt, you should seek your own independent legal advice.

Mandated Persons

[The following is a restatement of the mandated reporting legal obligation described in chapter 3 of the Children First National Guidance]

Mandated persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. The list of mandated persons is set out in [Schedule 2](#) of the Act and it includes teachers, members of the Gardaí, probation officers and certain categories of health care professionals. Some professionals who may not work directly with children, such as those in adult counselling or psychiatry, are also mandated persons.

Under the Children First Act, mandated persons are required to report child protection concerns at or above a defined threshold to Tusla. Under section 14, mandated persons must report to Tusla any knowledge, belief or reasonable suspicion, based on information acquired in the course of their employment or profession, that a child (person aged under 18 at the time the information is acquired) has been harmed, is being harmed or is at risk of being harmed. In section 2, the Children First Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances.

In relation to physical abuse, emotional abuse/ ill-treatment and neglect, mandated persons who believe that a child's health, development or welfare have been or are being seriously affected or are likely to be seriously affected, must make a mandated report to Tusla. As all sexual abuse falls within the category of seriously affecting a child's health, development or welfare, all concerns about sexual abuse must be submitted as a mandated report to Tusla. Further information about the threshold of harm for each category of abuse, at which mandated persons have a legal obligation to report concerns, can be found in chapter 3 of the Children First National Guidance.



MANDATED PERSONS AND ADULT RETROSPECTIVE DISCLOSURES OF CHILDHOOD ABUSE

[The following three paragraphs replace paragraphs 1 and 2 under the 'Dealing with a retrospective allegation' heading on page 23 of the Children First National Guidance (in chapter 3)]

Some adults may disclose abuse that took place during their childhood. Such disclosures may come to light when an adult attends counselling or is being treated for a psychiatric or health problem. If, as a mandated person, you receive a retrospective disclosure of childhood abuse from an adult, you must report this information to Tusla if a current child (ie person who is under the age of 18 at the time of the disclosure) has been, is being or is at risk of being harmed.

It is recommended that mandated persons working with adults, particularly in the provision of counselling or health supports, explain to clients in advance about the limits of confidentiality where child protection is concerned. That is, if during the provision of the service, the mandated person comes to know, believe or reasonably suspect that a person who is currently a child has been, is being or is at risk of being harmed, they must pass this information on to Tusla. When the person making the disclosure is able to support the mandated person's report to Tusla, it will greatly assist Tusla to examine the current or potential future risk to children.

Having received a retrospective disclosure of childhood abuse from an adult, the mandated person must make a professional judgement as to whether any person who is currently a child (identifiable or not) is at risk of harm from the person who is the subject of the abuse allegations. They must consider whether the person who is the subject of the allegations may have access to or contact with children. If the mandated person suspects on reasonable grounds that a child is at risk, then a mandated report must be made to Tusla. As noted earlier, the Children First Act does not require mandated persons to report to Tusla the childhood abuse of a person who is now an adult, in circumstances where harm or risk of harm to a current child (ie person who is under the age of 18 at the time

of the disclosure) has not been identified or is not suspected. For example, this may be the case when the person who is the subject of the abuse allegations is known to be deceased. If, based on the information they hold, the mandated person is unsure as to whether the person who is the subject of the allegations poses a risk to children, they should contact the Tusla social work department to discuss the concern.



MANDATED PERSONS AND REPORTING UNDER THE CHILDREN FIRST NATIONAL GUIDANCE

[The following is a restatement of the non-statutory best practice for mandated persons to report reasonable concerns about the welfare or protection of a child to Tusla under the Children First National Guidance (in chapter 2)]

A mandated person can also make a non-mandated report to Tusla. The Children First Act operates side-by-side with the non-statutory best practice obligations provided for in the Children First National Guidance. Under the Guidance, any person who has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected should report that concern to Tusla. As a mandated person, if your concern does not reach the legal definition of harm for mandated reporting but you feel that it is a reasonable concern about the welfare or protection of a child, you should report it to Tusla under the Guidance. This includes mandated persons with reasonable grounds for concern about a child under the age of 18 years, following receipt of a disclosure from an adult that they were abused as a child.

General obligation to report child protection or welfare concerns

[The following is a restatement of the non-statutory best practice for all individuals to report reasonable concerns about the welfare or protection of a child to Tusla under the Children First National Guidance (in chapter 2)]

As members of the public, we all have a responsibility to keep children and young people as safe as possible. As noted above, under the Children First National Guidance, you should always inform Tusla when you have reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected. Further information about how to recognise the different types of child abuse can be found in chapter 2 of the Guidance.

Following receipt of a disclosure from an adult that they were abused as a child, anyone with a reasonable concern about the welfare or protection of a person who is currently a child (ie person who is under the age of 18 at the

time of the disclosure) should report that concern to Tusla. This is because the person against whom an allegation has been made may pose a current or potential future risk to children.

How to report child protection or welfare concerns

[The following supplements the text about 'Reporting a Concern about a Child' and 'Making a Mandated Report' contained in the Children First National Guidance (on pages 13/14 and 24/25 respectively).]

Reports to Tusla can be made through the [Tusla Online Portal](#), in person, by telephone or in writing to the duty social work office in the area where the child lives. The Tusla Portal allows users to securely submit Child Protection and Welfare Report Forms (CPWRFs) and Retrospective Abuse Report Forms (RARFs) to Tusla online.

Contact details for duty social work offices nationwide are available on the Tusla website [here](#).

More information for mandated persons about reporting concerns at or above the threshold of harm can be found on the Tusla website [here](#).

More information for the general public about reporting reasonable concerns about child abuse or neglect can be found on the Tusla website [here](#).

An e-learning module on the role and responsibilities of mandated persons is available on the Tusla website [here](#).

An introductory Children First e-learning programme to support people of all backgrounds and experience to recognise and report reasonable concerns about child abuse and neglect is available on the Tusla website [here](#).

In cases of emergency, where a child or young person appears to be at immediate and serious risk, contact An Garda Síochána.

FURTHER RESOURCES

[Children First Act 2015](#)

[Children First: National Guidance for the Protection and Welfare of Children \(2017\)](#)

Department of Children, Equality, Disability, Integration & Youth
April 2025