Responding to and Reporting a Child Protection or Welfare Concern:

Sample Policy for Early Years Services

Published by:

EARLY YEARS CHILD PROTECTION PROGRAMME

February 2018

This document is a guide only. To ensure your compliance with the *Children First Act 2015* and *Children First: National Guidance for the Protection and Welfare of Children*, 2017 it should be adapted to the needs of your service.

How to use this resource:

- This document is for early years services.
- It outlines draft child protection and welfare reporting procedure that include procedures for reporting of mandated concerns to Tusla by Mandated Persons under the *Children First Act 2015*. It assumes that the Designated Liaison Person for child protection is a Mandated Person under the *Children First Act 2015*.
- This document should be used with *Developing a Safeguarding Statement: A Guide for Early Years Services in Ireland*, 2018.
- It is designed to be adapted and amended to meet the needs, structure and size of your service.

Sample Policy:

Responding to and Reporting a Child Protection or Welfare Concern

This policy requires the following information from *Children First: National Guidance*, 2017 and we recommend including it as appendices.

Appendix 1: The Types of Child Abuse and how they may be Recognised, pp 7-11
Appendix 2: Legal Obligations of a Mandated Person, p 21
Appendix 3: Reporting Mandated Concerns, p 20-22

This information can be also be found on p. 52 - 58 *of Developing a Child Safeguarding Statement: A Guide for Early Years Services*, 2018.

1. Recognising Child Protection & Welfare Concerns

- All staff and volunteers have a responsibility to safeguard children and to report child protection and welfare concerns in line with the policy outlined below.

- Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child.

- All staff and volunteers should be familiar with the definitions of abuse as outlined in Children First, National Guidance, 2017. See Appendix 1.

- Under the Children First Act 2015 Mandated Persons have a statutory obligation to report concerns which reach a particular threshold (as defined in section 2 of the Children First Act 2015) to Tusla. Mandated Persons should be familiar with the threshold of harm for each form of abuse as outlined in Children First, National Guidance, 2017. See Appendices 2 & 3.

- All child protection concerns should be brought to the attention of the Designated Liaison Person without delay.

2. Reasonable Grounds for Concern

Children First: National Guidance, 2017 states that: 'Tusla should always be informed when a person has **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected.' (p.6)

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way

- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect
- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused

All staff and volunteers are expected to bring any child protection concern which meets reasonable grounds for concern to the attention of the DLP and to seek their advice and guidance if unsure.

3. Reporting Procedure - All Staff and Volunteers (including Mandated Persons):

All staff and volunteers (included Mandated Persons) should follow the procedures in this section when they have a concern that a child has been, is being, or is at risk of being abused, harmed or neglected. Mandated Persons should also consult section 4 of this policy.

- When a staff member or volunteer (including a Mandated Person) has a child protection or welfare concern they should speak to the Designated Liaison Person for Child Protection (DLP) without delay. This includes concerns which reach the threshold for a mandated report under the *Children First Act 2015*. *See Appendices 2 and 3*.

- The DLP will report the following child protection and welfare concerns using the Child Protection and Welfare Report Form (available on www.tusla.ie) to Tusla:
    - Child protection and welfare concerns that meet reasonable grounds for concern but do not meet the threshold for mandated reporting
    - Child protection and welfare concerns that meet reasonable grounds for concern and have been passed to them by persons who are not Mandated Persons.

- If the DLP is unsure if a child protection concern meets the reasonable grounds for concern they should contact Tusla Duty Social Work for advice and guidance using the informal consultation process.

- Under no circumstances should a child be left in a situation that exposes him or her to harm or risk pending intervention from Tusla. In the event of an emergency and the unavailability of a Tusla Duty Social Worker, the DLP will contact An Garda Síochána.

Contact Details:	
Tusla Duty Social Work	Include address and contact numbers for local Duty Social Work Team (s)
An Garda Síochána	Include address and contact numbers for local Garda Station (s)

- In addition to a report to Tusla, if there is a criminal or suspected criminal aspect to the child protection concern, An Garda Síochána will be notified by the Mandated Person or DLP as appropriate.

- The chairperson of the board of management/owner of service will be informed when a report is made to Tusla under this policy. In accordance with the Confidentiality Policy identifying information about the child and family is only shared with them on a need to know basis.

4. Reporting Procedures - Mandated Persons Only

- Under the *Children First Act 2015* Mandated Persons are legally required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed to Tusla. *See Appendix 2.*

- Mandated Persons should bring any child protection concerns to the attention of the Designated Liaison Person (DLP) without delay (as in section 3 above).

- If the child protection concern reaches the threshold for harm as defined in the *Children Firs Act 2015* it is a mandated report. See Appendix 2. The Mandated Person may seek advice and guidance from the DLP in relation to the child protection concern and the threshold of harm.

- Mandated reports will be made **jointly** by the Mandated Person (who raised the concern) and the DLP, using the Child Protection and Welfare Report Form (available on www.tusla.ie). The form must clearly indicate that the report is a Mandated Report.

- If the child protection concern requires a more urgent intervention to make the child safe, the *Children First Act 2015* allows Mandated Persons to alert Tusla of the concern, by telephone or in person, in advance of submitting a written report. The mandated report must then be submitted to Tusla using the Child Protection and Welfare Report Form within 3 days.

- The statutory obligation of Mandated Persons to report under the *Children First Act 2015* **must be discharged by the Mandated Person** and cannot be discharged by the DLP on their behalf. Mandated Persons can however, report jointly with another person.

- Where the Mandated Person or DLP is unsure if the report meets the threshold of harm as outlined in the *Children First Act 2015* advice and guidance should be sought through informal consultation with Tusla Duty Social Work.

- If a child protection concern does not meet the criteria for a mandated report, it may meet 'reasonable grounds for concern' for a report to Tusla and this possibility must be considered. If 'reasonable grounds for concern' exist a report to Tusla will made by the DLP. For more information on 'reasonable grounds for concern' see p. 2 of this policy.

- The Mandated Person may submit the report to Tusla solely, however, the DLP must be informed that the report has been made and be given a copy of the Child Protection and Welfare Report Form.

- If a child protection concern has come to the attention of a number of Mandated Persons, the report may be submitted jointly by a number of Mandated Persons.

- Mandated Persons are not required to make a report to Tusla where the sole basis of their knowledge, belief or suspicion of harm is of a result of becoming aware that another Mandated Person has made a report to Tusla.

5. Informing Parents about Child Protection and Welfare Concerns

- Communication with parents is very important in ensuring best outcomes for children and any concerns about the health and well-being of a child will always be discussed with parents from the outset.

- Parents will always be informed if a report is to be made to Tusla, by the Designated Liaison Person, unless doing so would further endanger the child, impair Tusla's ability to carry out a risk assessment or put the reporter at risk of harm. The DLP may seek guidance from Tusla Duty Social Work in relation to this.

6. Responding to a Retrospective Disclosure from an Adult about abuse as a Child

- A retrospective disclosure is a disclosure from an adult about abuse that happened while they were a child. It is imperative that all child protection and welfare concerns are examined and addressed when a retrospective disclosure is made.

- If a staff member or volunteer becomes aware of a retrospective child protection concern they should follow the reporting procedures as outlined above.

- If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the service should report the concern to Tusla without delay using the Retrospective Abuse Report Form (available on www.tusla.ie).

7. Child Protection Concerns that are not Reported to Tusla

If, the Designated Liaison Person decides not to report a concern to Tusla, the following steps will be taken:

- The reasons for not reporting should be recorded
- Any actions taken as a result of the concern should be recorded
- The staff member or volunteer who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla

- The staff member or volunteer should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána

The Protections for Persons Reporting Child Abuse Act, 1998 will apply to any staff member who wishes to make a report to Tusla.

8. Recording Child Protection Concerns

- Written records will be kept of all child protection concerns (including those not reported to Tusla) and these will be managed by the Designated Liaison Person. Information will include: details of the concern, who raised it, who was contacted, details re informal consultation, any action taken, details re informing parents. See Child Protection Concern Record Template on p. 7.

- If a child has made a disclosure of abuse, a written record will be made. If there are other grounds for concern that the child has been abused or neglected, a written record will be made.

- Records relating to child protection and welfare issues will be kept indefinitely.

- Records will be stored securely in line with the Service Record Policy and the Childcare Act 1991 (Early Years Services) Regulations 2016.

Child Protection Concern Record

Date	Child's Name	Summary of Concern - Note where full details are stored	Person who Raised the Concern	Action Taken and by Whom Informal Consultation with Tusla?	If a Referral was made to Tusla - date and by whom.

- This Form should be used to record a summary of any child protection concerns arising under the Children First Act, 2015 or the *Children First: National Guidance*, 2017 and the action taken.
- Only factual information should be recorded.
- This Document is confidential and should be stored securely i.e. in a locked filing cabinet