



Information for Mandated Persons

The Children First Act 2015 places specific legal child safeguarding obligations on certain people known as Mandated Persons.

Staff should check [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 - Child and Family Agency;
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 have reasonable grounds for concern about the welfare or protection of a child, you should still report that concern to Tusla.

As a Mandated Person, you should be aware that the legal obligation to report mandated concerns rests with you and you cannot discharge your duty to report these concerns on to someone else. A report can be made jointly with any other person who shares your concerns.

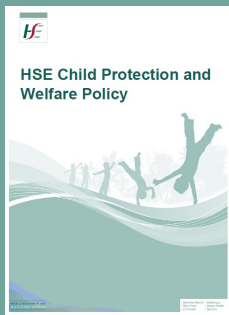
If a child is at immediate risk and you cannot speak to a [Duty Social Worker](#) in Tusla, contact [An Garda Síochána](#) without delay.



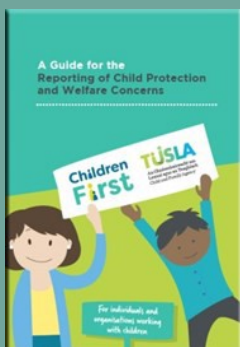
All Mandated Persons must read chapter 3 of Children First: National Guidance (2017)



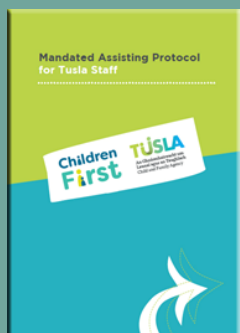
Mandated Persons should also read the following documents:



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.