



An Roinn Oideachais
Department of Education

Procedures for responding to child protection concerns which come to the attention of staff employed by the Department of Education

**Child Protection and Parental Complaints Section
Parents and Learners Unit**

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Glossary of Terms used in these procedures

Board of Management:	Means a board of management established under section 14 of the Education Act, 1998 and also refers to any other person/persons appointed by the patron to manage the school on behalf of the patron.
Child:	A 'child' means anyone who is under 18 years of age, excluding a person who is or who has been married.
Child abuse:	"Child abuse" should be taken to include all 4 categories of abuse as outlined in Section 1.3 of these procedures and in Chapter 2 of Children First: National Guidance for the Protection and Welfare of Children 2017
Child Protection Concern Form:	The Child Protection Concern Form (available at Appendix A) is the form used to forward child protection concerns/allegations of child abuse under these procedures. This Form has replaced the Standard Incident Report Form.
CPOG	The Child Protection Oversight Group established within the Department comprising senior members of the Inspectorate and senior officials from Parents and Learners Unit, NEPS, Terms and Conditions Section and School Governance Section– refer to Chapter 7
Designated Liaison Person (DLP):	Except where the context otherwise requires, the Designated Liaison Person is the person nominated by a school's board of management, as the designated liaison person for the school when dealing with Tusla, An Garda Síochána and other parties in connection with allegations of and/or concerns about child abuse. The DLP will normally be the Principal of the school.
ETB	An Education and Training Board established under the Education and Training Boards Act 2013
Mandated Person:	Mandated person means a person who is specified in schedule 2 of the Children First Act 2015 . All NEPS psychologists are mandated persons under the Children First Act 2015.
NEPS	The National Educational Psychological Service
PO Equivalent	Refers to any grade equivalent to that of Principal Officer e.g. Assistant Chief Inspector/ Regional Director of NEPS/ Technical Manager/ Senior Statistician
Early Learning and Care (ELC) Setting	In these procedures, Early Learning and Care (ELC) Setting refers to an early learning and care (ELC) setting participating in the Early Childhood Care and Education (ECCE) Programme or other ELC setting availing of State funding in which the quality of educational provision is inspected by the Department's Inspectorate
School Authority:	School Authority refers to the relevant managerial authority for the school or centre for education concerned, e.g. <ul style="list-style-type: none">• the relevant ETB in the case of schools and centres for education under the auspices of ETBs• the board of management or equivalent in the case of all other schools/centres for education
School Personnel:	The term 'school personnel' as used in these procedures is a generic term to encompass all adults who are involved in the operation of the school. It covers employees and voluntary workers, and includes parent association members when they are working in the school.
School:	School means a recognised primary or post-primary school and includes centres for education as defined in the Education Act, 1998 and attended by children under the age of 18 years.

Chapter 1: Introduction, Key Principles and General Information

1.1 Introduction

- 1.1.1** The purpose of these procedures is to provide direction and guidance to staff of the Department in dealing with child protection concerns/allegations of child abuse which come to their attention during the course of their duties working with the Department. These procedures, effective from 18th January 2021, replace the “*Procedures for Responding to Child Protection Concerns brought to the attention of Staff Employed by the Department of Education and Skills*”, which issued in February 2016.
- 1.1.2** The previous version of these procedures has been updated to take account of the updated Children First Act 2015, Children First National Guidance for the Protection and Welfare of Children 2017 (hereinafter referred to as Children First National Guidance) and the updated Child Protection Procedures for Primary and Post-Primary Schools 2017. In addition, the procedures have been reviewed and updated accordingly to ensure that concerns are reported speedily, efficiently and accurately to the relevant authorities. The updated procedures provide greater clarity on reporting obligations, including the statutory obligations on NEPS psychologists as mandated persons under the Children First Act 2015; provide a step by step guide to dealing with concerns; outline the roles and responsibilities of Principal Officers, or PO Equivalents, and other managers and provide detailed information on oversight measures across the Department.
- 1.1.3** These procedures require all staff to be alert to the possibility of a child protection concern/allegation of child abuse coming to their attention and to ensure that any such concern/allegation is dealt with without delay and in accordance with the requirements of these procedures.
- 1.1.4** All staff of the Department are obliged to familiarise themselves with the revised procedures set out in this document. The procedures outlined in this document must be adhered to by all staff so as to ensure that any child protection concern/allegation of child abuse which comes to the attention of staff in the Department, whether current, or having occurred in the past, is dealt with in an effective, timely and appropriate manner.
- 1.1.5** It is important to be aware that these procedures relate to all child protection concerns/allegations of child abuse which come to the attention of a member of staff **in the course of their work in the Department** regardless of whether the matter relates to a school or to another setting or situation.

Examples include the following:

- A child protection concern/allegation of child abuse may be raised about a member of school personnel or may be related to alleged abuse by a student of another student.
- A child protection concern/allegation of child abuse may be raised against a person employed by the Department or a person employed by an agency or body that is funded or recognised by the Department.
- A child protection concern/allegation of child abuse may relate to a family or domestic situation or to an organisation or person that has no connection with a school, the Department or any of its agencies (e.g. sports/youth club or a school/facility that is not recognised or funded by the Department).

Accordingly, every child protection concern/allegation of child abuse that comes to the attention of a member of staff in the course of their work in the Department must be reported in accordance with these procedures.

1.1.6 Where a member of staff is unsure in relation to any particular issue or situation which may arise in applying these procedures, the member of staff should consult with his or her Principal Officer, or PO Equivalent, or where necessary, consult with the Child Protection and Parental Complaints Section, within Parents and Learners Unit, of the Department for guidance. The Child Protection and Parental Complaints Section's role with regard to any child protection concerns/allegations of child abuse which come to the attention of staff employed by the Department, is to report any concerns/allegations without delay to the appropriate authorities (Tusla, school and/or An Garda Síochána) in accordance with these procedures.

1.1.7 In addition, these procedures take into account the role of the Department's Inspectorate in inspecting the quality of educational provision across a range of learning settings, including:

- Early Learning and Care (ELC) Settings participating in the Early Childhood Care and Education (ECCE) Scheme
- Irish Language Colleges (Coláistí Gaeilge) and
- Colleges of Agriculture and Horticulture.

1.2 Key principles

These procedures are based on the following key principles:

- 1.2.1** The over-riding concern of the Department in respect of any child protection concern/allegation of child abuse must be the welfare and protection of the child and ensuring that the information received is forwarded to Tusla, and An Garda Síochána where appropriate, without any delay.
- 1.2.2** Any allegation made to the Department of neglect, physical, sexual, or emotional abuse of children, regardless of whether the allegation relates to a school or another context, must be dealt with as a matter of utmost seriousness and urgency. For this reason, all child protection concerns/allegations of child abuse must be forwarded without delay, even if the concern appears to be related to a case of historical abuse.
- 1.2.3** Sensitivity and understanding will be required in communicating with a person raising a concern, particularly where he/she is the alleged victim or a parent or relative of the alleged victim.
- 1.2.4** Statutory responsibility for child protection rests with Tusla. It is not the role of the Department of Education to investigate individual allegations.
The role of this Department is to:
- Provide guidance to schools and other relevant organisations within the education sector in implementing their child protection obligations.
 - Ensure that proper procedures in accordance with the [Children First National Guidance](#) and the [Children First Act 2015](#), as appropriate, are followed in all cases.
 - Refer any child protection concerns/allegations of child abuse received by the Department to the relevant school/or other organisation as appropriate for attention and to share child protection concerns/allegations of child abuse received with Tusla.
- 1.2.5** In cases of emergency, where a child appears to be at immediate and serious risk, and it is not possible to make contact with Tusla, An Garda Síochána must be contacted immediately.
- 1.2.6** While the primary concern at all times must be the welfare and protection of children, in the interest of natural justice, staff should also be alert to the right of every person to his/her good name. An allegation made to the Department may be false or malicious, made against the wrong person or may be a misunderstanding. Staff of the Department should respond to allegations according to these procedures without making any judgement as to the substance or truth of such allegations.
- 1.2.7** Information received regarding alleged or suspected child abuse should only be shared with other Department staff in accordance with these procedures, on a need to know basis in the interests of the child and having regard to ensuring due process.

1.3 Categories of Abuse and other general information

1.3.1 Categories of Abuse

All staff of the Department are required to be familiar with the four categories of child abuse as set out in Chapter 2 of [Children First National Guidance](#).

In [Children First National Guidance](#) and in these procedures a child means a person under the age of eighteen, excluding a person who is or has been married.

[Children First National Guidance](#) categorises child abuse into four different types:

- Neglect
- Emotional abuse
- Physical abuse
- Sexual abuse

The following is an overview (based on [Children First National Guidance](#)) of the four types of abuse:

1. **Neglect** occurs when a child does not receive adequate care or supervision to the extent that a child is harmed physically or developmentally. Neglect is associated with poverty, and strongly linked with parental substance misuse, domestic violence and parental mental illness and disability.

The following are features of child neglect:

- Children being left alone without adequate care and supervision
 - Malnourishment, lacking food, unsuitable food or erratic feeding
 - Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation
 - Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
 - Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
 - Lack of adequate clothing
 - Inattention to basic hygiene
 - Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
 - Persistent failure to attend school
 - Abandonment or desertion
2. **Emotional abuse** is the systematic emotional or psychological ill treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and a child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval or consistency are not met, due to incapacity or indifference from their parents or caregiver.

A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour. It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

3. **Physical abuse** is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents.

Physical abuse can include the following:

- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking or hair-pulling
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Fabricated/induced illness
- Female genital mutilation

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in relation to corporal punishment in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that the protections in law relating to assault now apply to a child in the same way as they do to an adult. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement. Since 1982 corporal punishment has been banned in schools.

4. **Sexual abuse** occurs when a child is used by another person for his or her gratification or arousal, or for that of others. Sexual abuse includes the child being involved in sexual acts or exposing the child to sexual activity directly or through pornography. It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

- 1.3.1.1** A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting.

The alleged abuser may be someone known to the child or a stranger, and may be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, such as in a school situation, it is a child welfare and protection issue for both children, and child protection procedures should be followed for both children involved.

[Children First National Guidance](#) sets out that the most important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer.

More detailed information on the definitions and signs and symptoms of child abuse can be found in Chapter 2 of [Children First National Guidance](#)

1.3.2 Bullying in schools

The Children First National Guidance 2017 recognises that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare. Bullying can include behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. It can be based on gender identity, sexual preference, race ethnicity and religious factors.

Responsibility for bullying in schools falls to the level of the individual school. Each school must have an Anti-Bullying Policy that complies with the Anti-Bullying Procedures for Primary and Post Primary Schools which were published in September 2013 ([Anti-Bullying Procedures](#)).

The [Anti-Bullying Procedures](#) are designed to give direction and guidance to school authorities and school personnel in preventing and tackling school-based bullying behaviour amongst its students and in dealing with any negative impact within school of bullying behaviour that occurs elsewhere. The [Anti-Bullying Procedures](#) require schools to have in place clear procedures for investigating and dealing with bullying behaviour. These procedures also require that, where a parent is not satisfied that a school has dealt with a bullying case in accordance with the anti-bullying procedures, the parent can avail of the school's complaint procedures. Further information is available on the Department's website at [Complaints and Bullying procedures](#).

[Children First National Guidance](#) and the [Anti-Bullying Procedures](#) also provide that in the case of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral may need to be made to Tusla or An Garda Síochána as appropriate.

An employee of the Department may be contacted by parents and others in relation to alleged bullying behaviour by student(s) in schools. Where it is considered that the concern/allegation raised with the Department relates to behaviour that may be regarded as possibly abusive, the matter must be reported by the relevant staff member in accordance with [Chapter 2](#) of these procedures ([Chapter 6](#) in the case of NEPS psychologists). Where a staff member is unsure in relation to whether a concern/allegation relating to alleged bullying behaviour by a student should be reported in accordance with these procedures, the staff member should consult with his or her Principal Officer, or PO Equivalent (e.g. Assistant Chief Inspector, Regional Director of NEPS), or where necessary, consult with the Child Protection and Parental Complaints Section, within Parents and Learners Unit, for guidance.

1.3.3 Retrospective Allegations of child abuse

Child protection concerns may arise where allegations made retrospectively by adults relate to abuse that is alleged to have occurred in their childhood. Retrospective allegations of child abuse may apply to all or any of the categories of abuse, i.e. neglect, emotional abuse, physical abuse or sexual abuse.

Concerns may arise even if there is no specific child named in relation to the concern. Based on known or suspected past behaviour a current concern could exist about the risk an individual may pose to children with whom they may now have contact.

The person who allegedly caused the harm may continue to pose a risk to a child or children with whom they have current contact whether in the course of their current personal or professional lives. Accordingly retrospective allegations of child abuse **must always be reported** in accordance with the provisions of [Chapter 2](#) of these procedures ([Chapter 6](#) in the case of NEPS psychologists).

It is also important to be aware that retrospective abuse allegations must also be reported in instances even where individual children or persons who allegedly caused the harm are not named. It is also important to note that retrospective abuse allegations must be dealt with as a matter of utmost urgency.

1.4 Handling Disclosures from Children

A child may disclose abuse to a member of staff of the Department. The child is likely to be under severe emotional stress and the staff member may be the only adult whom the child is prepared to trust. Care should be taken not to damage that trust. When information is offered in confidence by a child, the staff member will need to show sensitivity in responding to the disclosure. The staff member will need to reassure the child, while explaining the need for the matter to be investigated which will necessarily involve informing certain people in positions of authority. The following advice, based on [Children First National Guidance](#) (Page 22), should be followed by any member of staff to whom a child makes a disclosure of abuse:

- ❖ React calmly
- ❖ Listen carefully and attentively
- ❖ Take the child seriously
- ❖ Reassure the child that they have taken the right action in talking to you
- ❖ Do not promise to keep anything secret
- ❖ Ask questions for clarification only. Do not ask leading questions
- ❖ Check back with the child that what you have heard is correct and understood
- ❖ Do not express any opinions about the alleged abuser
- ❖ Ensure that the child understands the procedures that will follow
- ❖ Make a written record of the conversation as soon as possible, in as much detail as possible and include the recorded information in full in the Child Protection Concern Form ([Appendix A](#)) or append the written record to the Form
- ❖ Treat the information confidentially, subject to the requirements of these procedures, [Children First National Guidance](#) and legislation

1.5 Overview of the role of Child Protection and Parental Complaints Section, Tusla and An Garda Síochána

1.5.1 Child Protection and Parental Complaints Section

Under these procedures, the primary role of the dedicated Child Protection and Parental Complaints Section, which is located within the Parents and Learners Unit of the Department, is to record and forward to Tusla child protection concerns/allegations of child abuse which come to the attention of staff employed by the Department.

The Department of Education has no statutory role to investigate child protection concerns/allegations of child abuse and does not make any judgment on the concerns/allegations which come to its attention. In accordance with best practice the Child Protection and Parental Complaints Section forwards any child protection concerns/allegations of child abuse which come to its attention to Tusla which has responsibility for investigating the matter. Where the concern/allegation is against a member of school personnel or relates to alleged abuse by a student in a school of another student, details of the concern/allegation are also immediately passed on to the relevant school and, where applicable, to An Garda Síochána. Further information on the role of Child Protection and Parental Complaints Section can be found in [Section 4.3](#) of these procedures.

Contact details:

Child Protection and Parental Complaints Section

Parents and Learners Unit

Department of Education

Cornamaddy, Athlone, Co. Westmeath N37 X659

Email: childprotection@education.gov.ie

Telephone: 00353 (0) 9064 84099

Extension No: 4099

1.5.2 Tusla (The Child and Family Agency)

The role of Tusla is to promote the welfare of children who are at risk of not receiving adequate care and protection. Tusla has responsibility for child welfare and protection services, family support, educational welfare and a range of other services, including those relating to domestic, sexual and gender-based violence.

Tusla has the statutory responsibility to assess all reports of child welfare and child protection concerns. Assessments are carried out by Tusla social workers. Tusla operates through duty teams of social workers that receive child protection reports, assess and prioritise referrals and provide protective interventions to children and their families. Reports of concerns are reviewed by Tusla to decide whether they are appropriate to Tusla's welfare or child protection services and, if so, what intervention is appropriate to meet the needs of the child and their family. If concerns are not appropriate to Tusla's welfare and protection services, Tusla will give information and advice on the most appropriate ways of addressing the needs of the child and their family.

Further information on the role of Tusla is set out in Chapter 5 of [Children First National Guidance](#)

1.5.3 An Garda Síochána

An Garda Síochána are involved in circumstances where the child protection concern/allegation of child abuse involves a crime under the criminal law of the State. The role of An Garda Síochána is to investigate alleged crimes, interview witnesses and take statements that will form part of the criminal investigation file. The criminal investigation file may then be referred to the Director of Public Prosecutions to decide if there is sufficient evidence to warrant a prosecution in the Courts.

Further information on the role of An Garda Síochána is set out in Chapter 5 of [Children First National Guidance](#)

Chapter 2: Procedures for responding to concerns which come to the attention of staff

2.1 Important Notices

- 2.1.1** All staff of the Department are required to be familiar with these procedures and the steps to be taken if a child protection concern/allegation of child abuse comes to their attention.
- 2.1.2** All staff of the Department should have a copy of the Quick Reference Guide (issued alongside these procedures) and a copy of the Child Protection Concern Form ([Appendix A](#)) easily accessible to them at all times or with them when visiting schools.
- 2.1.3** All child protection concerns/allegations of child abuse which come to the attention of the Department must be dealt with **without delay** and in accordance with the steps outlined in these procedures.
- 2.1.4** [Chapter 6](#) of these procedures sets out the steps to be followed by **NEPS psychologists** when a child protection concern/allegation of child abuse comes to their attention.
- 2.1.5** This chapter sets out the steps to be followed by **all other staff** of the Department.

2.2 How concerns are received

Child protection concerns/allegations of child abuse can come to the attention of staff of the Department in a number of ways such as the following –

- Telephone calls – [Section 2.3](#)
- Other contacts - [Section 2.4](#)
 - [Section 2.4.1](#) - Visits to schools by Department staff
 - [Section 2.4.2](#) - Personal callers to the Department's Offices
 - [Section 2.4.3](#) - Contact outside of the work environment
- Written correspondence, including emails – [Section 2.6](#)

Requests for information/assistance from Tusla and/or An Garda Síochána - [Section 2.8](#)

2.3 Telephone contact by person raising a child protection concern

2.3.1 The staff in Child Protection and Parental Complaints Section, within Parents and Learners Unit, are the most appropriate staff to deal with telephone callers who are raising child protection concerns/allegations of child abuse.

2.3.2 A staff member who receives a phone call in which a child protection concern/allegation of child abuse is raised, must ensure that the caller is either transferred to the Child Protection and Parental Complaints Section or, if the call cannot be transferred, must complete a Child Protection Concern Form ([Appendix A](#)) and submit that Form to the Child Protection and Parental Complaints Section **without delay** and in accordance with these procedures.

2.3.3

<p>What do I do if the telephone caller raises a child protection concern / allegation of child abuse?</p> <p>See Section 1.3 – Categories of Abuse for guidance on the 4 types of abuse:</p> <ol style="list-style-type: none"> 1. Neglect 2. Emotional abuse 3. Physical abuse 4. Sexual abuse 	<ul style="list-style-type: none"> • Sensitivity and understanding will be required in communicating with a person raising a concern, particularly where he/she is the alleged victim or a parent or relative of the alleged victim. Where the person is a child please refer to Section 1.4 of these procedures in relation to handling disclosures from a child. • Inform the caller that a dedicated Child Protection and Parental Complaints Section exists in the Department and that the staff in that Section are the most appropriate people to handle the caller's child protection concern. • Request the caller's permission to transfer his/her call to Child Protection and Parental Complaints Section and before doing so you must: <ul style="list-style-type: none"> ➤ Take the caller's name and contact details, ➤ Provide the caller with the direct line details of the Child Protection and Parental Complaints Section (090 648 4099) ➤ Give the caller your own name and contact details. • Transfer the call to Child Protection and Parental Complaints Section on extension 4099 indicating to the staff member in Child Protection and Parental Complaints Section that the caller has raised a child protection concern. • In addition to the above, and to ensure that the call being transferred is not lost: <ul style="list-style-type: none"> ➤ Staff members are required in all circumstances to forward by email, the caller's name and contact details to the Child Protection and Parental Complaints Section, using the email address childprotection@education.gov.ie ➤ This email should confirm that the caller raised a child protection concern and indicate briefly the nature of that concern/allegation. Staff members are required to copy their PO, or PO Equivalent, on this email.
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<p>What do I do if I can't transfer the call to Child Protection and Parental Complaints Section</p> <p>OR</p> <p>The caller does not wish to have their call transferred</p>	<ul style="list-style-type: none"> • In these circumstances, the staff member is required to deal with the call and take the necessary information from the person raising a concern. • Information provided by the caller must be recorded by the staff member on the Child Protection Concern Form. • The Child Protection Concern Form is available at Appendix A of these procedures or here on the Child Protection Procedures for Staff page on the Department's Intranet or on a printed version. • Staff must ensure that they have the Child Protection Concern Form to hand or easily accessible at all times in case they have to record a child protection concern/allegation of child abuse.
<p>Proceed to Section 2.7 for further steps that must be taken in completing the Child Protection Concern Form</p>	

2.4 Other Contacts

2.4.1 Visits to schools or other settings by Department staff

Chapter 6 sets out the procedures to be followed by NEPS psychologists, as mandated persons, when reporting child protection concerns/allegations of child abuse.

- 2.4.1.1** Where, during the course of a school visit by a member of staff of the Department, a child protection concern/allegation of child abuse comes to their attention, the member of staff should bring the matter to the attention of the Designated Liaison Person (DLP) of the school who is responsible for following the procedures for schools. In that regard it should be noted that all schools are required to display the name of the DLP in a prominent position near the main entrance to the school.
- 2.4.1.2** Where the child protection concern/allegation of child abuse is being raised against the DLP, the member of the Department's staff must bring the matter to the attention of the chairperson of the board of management or in the case of an ETB school, the Chief Executive of the ETB concerned.
- 2.4.1.3** Where, during the course of an inspection visit to an Early Learning and Care (ELC) Setting, Irish Language College or College of Agriculture and Horticulture, a child protection concern/allegation of child abuse comes to the attention of an Inspector, the Inspector should bring the matter to the attention of the Designated Liaison Person (DLP) of the setting/college concerned (where known) or to the manager or equivalent person in authority in the centre/college concerned.
- 2.4.1.4** In addition, the member of the Department's staff must complete a Child Protection Concern Form immediately, in accordance with procedures at [Section 2.7](#) – (staff should ensure that he/she has a copy of the Child Protection Concern Form ([Appendix A](#)) to hand when visiting schools in the course of their work). NEPS psychologists must follow the relevant reporting procedures in [Chapter 6](#) of these procedures.

2.4.2 Personal callers to Department's Offices

- 2.4.2.1** Staff may come in contact with child protection concerns/allegations of child abuse through visitors to the Department's offices. If a child protection concern is raised, the member of staff must complete the Child Protection Concern Form immediately, in accordance with [Section 2.7](#) of these procedures. NEPS psychologists must follow the relevant reporting procedures in [Chapter 6](#) of these procedures.

2.4.3 Contact outside of the Work Environment

- 2.4.3.1** A member of staff of the Department may become aware of a child protection concern/allegation of child abuse while **not working on official business for the Department**. It is important to be aware that the matter must be reported, without delay, in accordance with [Section 2.7](#) of these procedures where that concern/allegation -:

- Is raised against a member of school personnel or
- Relates to alleged abuse by a student
- Is raised against a member of staff of an agency or body funded or recognised by the Department, or
- Is raised against a member of staff of the Department

If the member of staff is unable to complete the Child Protection Concern Form he/she must make contact with a member of staff in Child Protection and Parental Complaints Section by phone to **090 6484099** or email to childprotection@education.gov.ie in order that the relevant details of the concern/allegation are recorded and reported as appropriate.

- 2.4.3.2** Where **not working on official business for the Department** and a concern/allegation comes to the attention of a staff member but it does not fall within those matters listed at [Section 2.4.3.1](#) above, it does not fall to be reported under these procedures. However, all staff are encouraged to be fully aware of and to follow the relevant [Children First National Guidance](#) in relating to reporting such concerns directly to Tusla, the Child and Family Agency as a private citizen.

2.5 Emergency Situations

- 2.5.1** In exceptional circumstances, where there is a perceived immediate risk to a child, a staff member may refer a child protection concern/allegation of child abuse directly to Tusla or to An Garda Síochána. If time permits, the staff member should contact their Principal Officer (or PO Equivalent) prior to contacting Tusla or an An Garda Síochána. The Child Protection Concern Form must be completed and submitted in accordance with these procedures at the earliest opportunity thereafter.

2.6 Child protection concerns raised in written correspondence

2.6.1 All staff should monitor their correspondence, voicemail messages and **email account** on a regular basis for any child protection concerns/allegations of child abuse. Line managers of sections/areas that use generic/shared mailboxes must ensure that these are monitored on a regular basis for any child protection concerns/allegations of child abuse.

2.6.2

Who should complete the Child Protection Concern Form?

- Child protection concerns/allegations of child abuse may come to the attention of staff through written correspondence, including representations, e-correspondence, voicemail and emails.
- The section within the Department that **initially receives the correspondence/message**, must check for any child protection concern/allegation of child abuse and is obliged to ensure that any concern/allegation in the correspondence/message is recorded on the Child Protection Concern Form ([Appendix A](#)) by the staff member in that section and then sent to the Child Protection and Parental Complaints Section **without delay** and in accordance with these procedures.
- The above applies even if the correspondence/message is to be forwarded to another section. Before forwarding the correspondence/message to the appropriate section, the Child Protection Concern Form must be completed and submitted in accordance with these procedures. When subsequently forwarding the correspondence/message to the appropriate section for reply, **the sender must include confirmation** that a Child Protection Concern Form ([Appendix A](#)) has been completed and submitted to the Child Protection and Parental Complaints Section in accordance with these procedures.
- If a child protection concern/allegation of child abuse is contained in correspondence which is received by **a number of sections** within the Department, a Child Protection Concern Form must be completed immediately by at least one of those sections and submitted in accordance with these procedures. The staff member should check with the other sections, and/or Child Protection and Parental Complaints Section, to establish if a Child Protection Concern Form has already been completed.
- The staff member must report the concern/allegation except where written confirmation has been received from another section, and/or from Child Protection and Parental Complaints Section, that a Child Protection Concern Form has been completed and submitted in accordance with these procedures by that other section. Under no circumstances should a staff member delay reporting under these procedures on account of any delay in receiving written confirmation from another section that a Child Protection Concern Form has been completed by another section.
- The Child Protection Concern Form is available at [Appendix A](#) of these procedures and is also available [here](#) on the **Child Protection Procedures for Staff** page on the Department's Intranet or on a printed version.
- Staff should ensure that the Child Protection Concern Form is easily accessible at all times in case they have to record a child protection concern/allegation of child abuse.

<p>What do I say when replying to the person raising the concern?</p>	<p>Where possible the person raising the concern/allegation should be informed in writing that:</p> <p><i>Any allegation of a child protection nature received by staff in the Department is dealt with in accordance with the Department's Procedures for responding to Child Protection Concerns which come to the attention of staff employed by the Department of Education.</i></p> <p><i>The Department has no powers to investigate child protection concerns. Under these procedures the Department does not make any judgment on the concerns which comes to its attention and ensures that the details of the concern/s reported to the Department are immediately passed on to the relevant authorities, i.e. Tusla-the Child and Family Agency, school and/or An Garda Síochána, as appropriate. The Department cannot guarantee confidentiality to complainants in such circumstances as the information it receives must be passed on to the relevant authorities for investigation, including any details of the person reporting the concern.</i></p> <p><i>In line with these procedures the concerns raised in the correspondence has been forwarded to the Child Protection and Parental Complaints section of the Department of Education for onward notification to the relevant authorities.</i></p> <p>Where the person raising the concern/allegation is a member of school personnel and where the concern/allegation has been raised against another member of school personnel or a student in a school, the person should also be advised of their responsibility to follow the relevant reporting procedures in the Child Protection Procedures for Primary and Post-Primary Schools 2017</p>
<p>Proceed to Section 2.7 for further steps that must be taken in completing the Child Protection Concern Form</p>	

2.7 Further steps that must be taken when completing the Child Protection Concern Form

<p>What should staff be aware of?</p>	<ul style="list-style-type: none"> • Staff should be aware of the rights of the individual against whom an allegation has been made and that such written reports may be subject to requests under the Freedom of Information Act 2014, including requests in subsequent years from the alleged victim. • Any personal information relating to an individual can be requested by that individual under the Data Protection legislation (SAR). • Staff must also record, and include, on the Child Protection Concern Form any responses they have provided to the person raising a concern/allegation. • Staff should be neutral and non-judgmental in the language used when recording the child protection concern/allegation of child abuse, e.g. staff should report only the information as either told to him/her, or as stated in the correspondence, and refrain from making any personal comments or observations on the matter. Staff should use phrases such as “the caller alleged...”, “the caller reported that”, “the correspondence states that...” and “the alleged abuse/incident took place...” • Staff should be aware that all of the information included on the Child Protection Concern Form, including the staff member’s name, may be forwarded to Tusla - the Child and Family Agency, and the relevant school and/or An Garda Síochána.
<p>What does the member of staff say to the person raising the concern, in the case of telephone calls/ callers to the Department/ visits to schools or contact outside of work</p>	<p>Sensitivity and understanding will be required in communicating with a person raising a concern, particularly where he/she is the alleged victim or a parent or relative of the alleged victim. Where the person is a child please refer to Section 1.4 of these procedures in relation to handling disclosures from a child.</p> <p>Before completing the Form the staff member should inform the person raising a concern/allegation that:</p> <ul style="list-style-type: none"> • Confidentiality cannot be provided as the information given must be passed on to the appropriate authorities for investigation (i.e. the school, Tusla and/or An Garda Síochána, as applicable). • The Department of Education does not make any judgement and does not have a role in investigating these concerns/allegations, hence the need to refer the matter to the appropriate authorities. • The authorities may contact the person raising the concern/allegation directly, if required for the purposes of investigation. • It is open to the person raising the concern/allegation to seek direct assistance from Tusla and/or An Garda Síochána.

<p>The person raising the concern is reluctant to give their name or wishes to remain anonymous or the staff member may not have names for all persons</p>	<ul style="list-style-type: none"> • Staff must still complete a Child Protection Concern Form in accordance with these procedures even where they do not have the names of all persons concerned or where the person raising a concern/allegation is reluctant to give their name and contact details. • Where the person raising the concern/allegation is reluctant to provide their name or contact details they should be informed that the investigation of the alleged child protection concern/allegation of child abuse may be restricted or inhibited if the person wishes to remain anonymous. • The Child Protection Concern Form must be completed insofar as is possible given the available information.
<p>What questions does the member of staff ask in order to complete the Form?</p> <p>and/or</p> <p>What information do I record on the Child Protection Concern Form?</p>	<p>In cases where the staff member is speaking to the person raising the concern/allegation:</p> <ul style="list-style-type: none"> • Encourage the person to provide the Department with relevant information about the child protection concern/allegation of child abuse to enable the matter to be fully investigated by Tusla and/or An Garda Síochána. • Ask questions, where possible, in the order that they appear on the Child Protection Concern Form, ensuring that as much detail as the person who is raising the concern is willing/able to impart is recorded on the Form. • In the case of written correspondence, complete all sections of the Form, ensuring that all details pertaining to the concern/allegation, are recorded on the Child Protection Concern Form. • In circumstances, where the Child Protection Concern Form is not to hand or easily accessible, staff must record the following information and complete the Form as soon as possible in accordance with these procedures: <ul style="list-style-type: none"> ➤ The child's name, address and age. ➤ Names and addresses of parents or guardians ➤ Names, if known, of who is allegedly harming the child or not caring for them appropriately ➤ An account of the concern (e.g. details of the allegation, dates of alleged incidents, and descriptions of alleged harm) ➤ Name of school or Early Learning and Care (ELC) Setting the child attends ➤ Contact details of the person raising the concern/allegation and their relationship to the child <p>In completing the Child Protection Concern Form staff should report only the information as either told to him/her, or as stated in the correspondence, and refrain from making any personal comments or observations on the matter. Staff should use phrases such as “the caller alleged...”, “the caller reported that”, “the correspondence states that...” and “the alleged abuse/incident took place...”</p>
<p>What steps do I take after I complete the Child Protection Concern Form?</p>	<ul style="list-style-type: none"> • The completed Child Protection Concern Form must be provided to the Principal Officer, or PO Equivalent, of the staff member's section for signature, without delay. In the absence of a Principal Officer, or PO Equivalent, the Form should be signed by the Assistant Principal Officer or other nominated officer (refer to Section 4.1.2).

	<ul style="list-style-type: none"> • The Principal Officer, or PO Equivalent, must record certain details of the concern/allegation for quarterly reporting to the Child Protection and Parental Complaints Section. (Appendix B - Summary Record of Child Protection Concern Forms - must be used for this purpose). • The Principal Officer, or PO Equivalent, or staff member must then post or hand-deliver the signed Child Protection Concern Form to the Principal Officer in Parents and Learners Unit that same day, or the following day at the latest. • The signed Child Protection Concern Form may be emailed to childprotection@education.gov.ie by the Principal Officer/PO Equivalent, or the staff member and copying the Principal Officer/PO Equivalent, where posting or hand delivering the Form is not feasible. • In order to ensure that a concern/allegation is not misplaced, where the Child Protection Concern Form is posted or hand-delivered, the staff member is also required in all circumstances to email the Child Protection and Parental Complaints Section, using the email address childprotection@education.gov.ie, cc'ing his/her Principal Officer, or PO Equivalent, in the email, with the subject line 'Child Protection Concern', advising that a Child Protection Concern Form has been forwarded to the Child Protection and Parental Complaints Section by post or hand-delivered.
<p>For remote working or staff members working in a different location to Principal Officer or PO Equivalent</p>	<ul style="list-style-type: none"> • Where the Principal Officer, or PO Equivalent, is not in the same location as the staff member, or where staff members are working remotely, the completed Child Protection Concern Form must be emailed, without delay, to the Principal Officer, or PO Equivalent, for their attention. There is no requirement to have the Form physically signed by the Principal Officer or PO Equivalent. In the absence of a Principal Officer, or PO equivalent, the Form should be emailed to the Assistant Principal Officer or other nominated officer (refer to Section 4.1.2) • The Principal Officer, or PO Equivalent, must record certain details of the concern/allegation for quarterly reporting to the Child Protection and Parental Complaints Section. (Appendix B - Summary Record of Child Protection Concern Forms must be used for this purpose). • The Principal Officer, or PO equivalent must insert his or her details on the Child Protection Concern Form and email it to childprotection@education.gov.ie, copying the email to the Principal Officer in Parents and Learners Unit that same day, or the following day at the latest.
<p>What documents are retained after the Child Protection Concern Form is sent to Child Protection and Parental Complaints section?</p>	<ul style="list-style-type: none"> • Once the Child Protection Concern Form is received by the Child Protection and Parental Complaints Section, it will acknowledge receipt of same by email to the Principal Officer or PO Equivalent, copying the staff member who completed the Child Protection Concern Form. • Following receipt of the above email from Child Protection and Parental Complaints Section, any copies or draft versions of the Child Protection Concern Form held in the staff member's section must be destroyed/deleted, including any electronic versions, as the Child Protection Concern Form will be held securely in the Child Protection and Parental Complaints Section. However, the acknowledgement email and Appendix B - Summary Record of Child Protection Concern Forms must be retained by the PO or PO Equivalent.

2.8 Requests for information/assistance from Tusla and/or An Garda Síochána

- 2.8.1** Tusla may, from time to time, seek information or assistance from the Department in the context of investigating child protection concerns/allegations of child abuse. There is no requirement to complete a Child Protection Concern Form in these instances. Any such requests received by Business Units must be referred to the Data Compliance and Support Unit of the Department, email subjectaccessrequest@education.gov.ie which will manage the process. NEPS psychologists should refer to [Chapter 6](#) for additional information about mandated assisting under the Children First Act 2015.
- 2.8.2** An Garda Síochána (AGS) may also request information from the Department in the context of the investigating a crime. Such requests must be referred to the Data Compliance and Support Unit of the Department, email dpo@education.gov.ie, which will ensure the correct procedures for responding are undertaken. The Data Compliance and Support Unit will also determine whether or not a Child Protection Concern Form is required. In that regard, if the request involves a child protection concern/allegation of child abuse and AGS have confirmed in writing to the Department that it has reported the matter to Tusla, there is no requirement to report the information in the request in accordance with these procedures. However, if it is not established that Tusla have been informed of the child protection concern/allegation of child abuse by the AGS, then a Child Protection Concern Form must be completed and forwarded by the Data Compliance and Support Unit in accordance with [Section 2.6](#) of these procedures

In exceptional circumstances, where there is a perceived immediate risk to a child, Data Compliance and Support Unit may approve release of information by Business Units to An Garda Síochána without the usual process being followed

Chapter 3: Procedures for responding to child protection concerns made against a person employed by the Department of Education

3.1 Reporting a child protection concern/allegation of child abuse to Human Resources Section

- 3.1.1** The Department Human Resources (HR) Section has appointed a Designated Liaison Person (DLP) and Deputy Designated Liaison Person (Deputy DLP) for the purposes of any child protection concerns raised in relation to Department staff.
- 3.1.2** When a staff member of the Department receives a child protection concern/allegation of child abuse against a current or former member of staff of the Department they must refer the caller or correspondence to the Designated Liaison Person (DLP) or Deputy Designated Liaison Person (DDLDP) in Human Resources (HR) Section, Marlborough St., Dublin 1 who can be contacted at **01 8896473 or 01 8892266**. Details of the names of the current DLP and DDLP in HR section are available [here](#) in Section 6 of the Department's Child Safeguarding Statement.
- 3.1.3** Where such a concern/allegation is received by telephone contact the staff member must request the caller's permission to transfer his/her call to Human Resources Section and before doing so must:
- Provide the caller with name and telephone number of the DLP or DDLP to whom the call is being transferred
 - Take the caller's name and contact details, and
 - Give the caller their own name and contact details
- 3.1.4** The staff member must transfer the call to the DLP/DDLP in Human Resources Section indicating that the caller has raised a child protection concern/allegation of child abuse against a current, or former, member of staff of the Department.
- 3.1.5** In order to ensure that the call received by Department staff is not lost during transfer, the staff member is required in all circumstances to forward by email, the caller's name and contact details to the Principal Officer in Human Resources Section and to copy the Principal Officer, or PO Equivalent, in their own section into this email. If the concern/allegation is against either the Principal Officer in Human Resources Section or the staff member's own Principal Officer, or PO Equivalent, the email should be forwarded/copied as applicable to the relevant Assistant Secretary, ensuring that the email is not forwarded or copied to the Principal Officer, or PO Equivalent, who is the subject of the concern/allegation.
- 3.1.6** In circumstances where the call cannot be transferred to Human Resources Section, then the staff member must record the details of the child protection concern/allegation of child abuse, using the Child Protection Concern Form ([Appendix A](#)) as a guide to the details which need to be recorded.
- 3.1.7** Staff may also come in contact with child protection concerns/allegations of child abuse against staff members through written correspondence, visitors to the Department, or when not on official business for the Department. In these circumstances the staff member is required to complete the details using the Child Protection Concern Form ([Appendix A](#)) as a guide to the details to be recorded.
- 3.1.8** The Form must be forwarded to the Principal Officer or PO Equivalent in their section (or Assistant

Secretary if the concern/allegation refers to their own Principal Officer or PO Equivalent). The Principal Officer or PO Equivalent is required to forward the concern/allegation to the Principal Officer in Human Resources Section (or the Assistant Secretary responsible for Human Resources Section, if the concern/allegation refers to the Principal Officer of Human Resources Section).

- 3.1.9** Allegations made against members of the Management Board must be sent directly to the Secretary General and allegations against the Secretary General are to be sent directly to the Assistant Secretary responsible for Human Resources Section.
- 3.1.10** The Principal Officer in Human Resources Section is responsible for referring all concerns/allegations against members of staff (current or retired) to the relevant investigatory authorities, namely Tusla and/or An Garda Síochána. The Assistant Secretary with responsibility for HR Section will carry out this duty where a concern/allegation relates to the Principal Officer of Human Resources Section.
- 3.1.11** The Principal Officer in Human Resources Section will keep relevant records of child protection concerns/allegations of child abuse against staff members. The number of concerns/allegations received are reported to the Principal Officer in Parents and Learners Unit on a quarterly basis for onward reporting to the Child Protection Oversight Group and to the Management Board.

Chapter 4: Roles and Responsibilities

4.1 Role and Responsibility of the Principal Officer or PO Equivalent

- 4.1.1** Principal Officers or PO Equivalents, have responsibility for ensuring these procedures are implemented by staff in their areas of responsibility.
- 4.1.2** This includes ensuring that child protection concerns/allegations of child abuse are recorded correctly by staff and are forwarded to the Child Protection and Parental Complaints Section in accordance with the requirements of these procedures. It is vital therefore that in relation to any periods during which the PO or PO Equivalent is not contactable, this responsibility is delegated to a specified named officer of no lower than Assistant Principal grade or equivalent grade (or alternatively to another PO or PO Equivalent) and that all staff are aware of this delegation. Each Principal Officer or PO Equivalent, must therefore nominate and inform their staff and inform the Child Protection and Parental Complaints Section of the name and email address of the officer to whom this responsibility is delegated.
- 4.1.3** Each Principal Officer or PO Equivalent, is required to keep a secure summary record of each Child Protection Concern Form submitted by their section to the Child Protection and Parental Complaints Section in accordance with these procedures. (Appendix B - Summary Record of Child Protection Concern Forms must be used for this purpose). This is necessary for monitoring of child protection concerns/allegations of child abuse received by the Department, the completion of the reconciliation process at the end of each quarter and for reporting to the Department's Child Protection Oversight Group, the Management Board and the Minister. In the case of the Inspectorate and NEPS the quarterly reconciliation is carried out via the Office of the Chief Inspector and the NEPS office.
- 4.1.4** Once the Child Protection and Parental Complaints Section sends the Principal Officer, or PO Equivalent, an email confirming receipt of the Child Protection Concern Form, any copies or versions of the Form held in the Principal Officer's section, or PO Equivalent's section, must be destroyed/deleted, including any electronic versions, as the Child Protection Concern Form will be held securely in the Child Protection and Parental Complaints Section. However, the acknowledgement email and [Appendix B - Summary Record of Child Protection Concern Forms](#) must be retained by the PO or PO Equivalent.

4.2 Role and Responsibility of other Managers of staff

- 4.2.1** Other managers of staff, e.g. APs/HEOs/EOs, must ensure that staff are aware of their obligations to ensure that any child protection concerns/allegations of child abuse received are recorded and forwarded **without delay** to Child Protection and Parental Complaints Section, within Parents and Learners Unit, in accordance with [Chapter 2](#) of these procedures ([Chapter 6](#) in the case of NEPS psychologists).
- 4.2.2** Line Managers are also required to ensure that each member of staff, including any new member of staff, is aware of the need to have a copy of these procedures, the Quick Reference Guide and Child Protection Concern Form easily accessible to them at all times.
- 4.2.3** Line Managers of sections/areas that use generic/shared mailboxes or voicemail must ensure that these are monitored on a regular basis for any child protection concerns/allegations of child abuse that might be contained in emails or messages received. Line Managers must also ensure that daily post is monitored and that staff monitor their own email accounts and voicemail messages on a regular basis for any child protection concerns/allegations of child abuse.

4.3 Role and Responsibility of the Child Protection and Parental Complaints Section

4.3.1 The primary role of the Child Protection and Parental Complaints Section (within Parents and Learners Unit) with regard to any child protection concerns/allegations of child abuse which come to the attention of staff employed by the Department, is to report the concerns/allegations without delay to the appropriate authorities (Tusla, school and/or An Garda Síochána) in accordance with these procedures.

When a Child Protection Concern Form is received or completed by Child Protection and Parental Complaints Section, the section will take the following steps:

4.3.2 Confirming Receipt of the Child Protection Concern Form

The Child Protection and Parental Complaints Section will issue an email to the staff member and PO or PO Equivalent concerned to acknowledge receipt of the Child Protection Concern Form (this does not apply to Child Protection Concern Forms completed by Child Protection and Parental Complaints Section).

4.3.3 Forwarding to Tusla

The child protection concern/allegation of child abuse will immediately be forwarded to Tusla for assessment. In circumstances where the Child Protection and Parental Complaints Section is unclear whether the matter should be referred to Tusla, it seeks advice from the relevant Social Work Department of Tusla as to whether - from the information provided in the Child Protection Concern Form - a child protection report is warranted. Where advised by Tusla that the matter should be forwarded to Tusla, the Child Protection Concern Form shall be forwarded immediately to Tusla. Where it is considered that the concern/allegation is a matter for An Garda Síochána, e.g. alleged sexual abuse or an alleged criminal act, a letter and a copy of the Child Protection Concern Form will be forwarded to An Garda Síochána.

4.3.4 Recording the concern/allegation

The details of the concern/allegation will be entered on a secure database maintained by Child Protection and Parental Complaints Section. The main purpose of holding this information on this database is to retain evidence of, and facilitate oversight of, compliance with these procedures including for the purposes of reporting to the Child Protection Oversight Group (CPOG), Management Board and the Minister.

4.3.5 Filing

A separate confidential file with a unique ID Number will be opened by Child Protection and Parental Complaints Section for each Child Protection Concern Form received. The Child Protection Concern Form and all related documentation, e.g. reports, e-mails, records of phone calls, will be kept in this file. Files will be stored in a secure manner given the sensitive nature of the material involved and access to such files is strictly limited to persons authorised by the Principal Officer in Parents and Learners Unit. Where more than one Child Protection Concern Form is received in respect of the same matter, they will be placed on the same file rather than creating separate files for each form.

4.3.6 Notifying the school

Where the person/s against whom the child protection concern/allegation of child abuse is raised is:

- 1) A member of school personnel, other than the Principal, or a student where the alleged abuse is against another student: the Child Protection and Parental Complaints Section will immediately notify the Principal in writing and include a copy of the Child Protection Concern Form
- 2) The Principal of a school: the Child Protection and Parental Complaints Section will immediately notify the Chairperson of the board of management or in the case of an ETB school, the Chief Executive of the ETB, concerned in writing and include a copy of the Child Protection Concern Form. Any information not relevant to the school in question will be redacted from the Child Protection Concern Form.

The school will be requested to:

- Ensure that the matter is dealt with in accordance with the relevant procedures in the [Child Protection Procedures for Primary and Post-Primary Schools 2017](#)
- Follow up with the person raising a concern/allegation, where appropriate
- Keep the Child and Family Agency (Tusla) apprised of any further follow-up action taken in relation to this matter.

4.3.7 Notifying another Department in the case of Early Learning and Care (ELC) settings, Irish Language Colleges or Colleges of Agriculture/Horticulture

Where the concern/allegation is raised against a member of personnel of an Early Learning and Care (ELC) setting, Irish Language College or College of Agriculture/Horticulture, or relates to alleged abuse by a child/student in such setting/college, the matter will be forwarded by the Department to the relevant Government Department, i.e. the Department of Children, Equality, Disability, Integration and Youth, the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media or the Department of Agriculture, as applicable.

4.3.8 Additional Steps where the concern/allegation is relevant to a school

Where the concern/allegation is raised against a member of school personnel, or relates to alleged abuse by a student, Tusla will be informed that the child protection concern/allegation of child abuse has been forwarded by the Department to the principal of the relevant school or, if the allegation refers to the principal, to the chairperson of the board of management or, in the case of an ETB school, the Chief Executive of the ETB concerned. Tusla will also be informed that they may contact the Department if they are not satisfied with the manner in which the school is dealing with the concern/allegation and that the school has been requested to:

- Ensure that the matter is dealt with in accordance with the relevant procedures in the [Child Protection Procedures for Primary and Post-Primary Schools 2017](#)
- Follow up with the person raising a concern/allegation, where appropriate
- Keep the Child and Family Agency (Tusla) apprised of any further follow-up action taken in relation to this matter.

4.3.9 Additional Steps where the concern/allegation is relevant to an Early Learning and Care (ELC) Setting, Irish Language College or College of Agriculture/Horticulture

Where the concern/allegation is raised against a member of personnel of an Early Learning and Care (ELC) Setting, Irish Language College or College of Agriculture/Horticulture, or relates to alleged abuse by a child/student in such setting/college, Tusla will be informed that the matter has been forwarded by the Department to the relevant Government Department, i.e. the Department of Children, Equality, Disability, Integration and Youth, the Department of Tourism, Culture, Arts,

4.4 Child Protection - Staff Awareness and Training

Child Protection and Parental complaints section will support the implementation of these procedures through the development and delivery of appropriate awareness building initiatives and staff training. Details of these arrangements will be published separately [here](#) on the Child Protection Procedures for Staff page on the Department's intranet.

4.5 Reporting to the Child Protection Oversight Group, Management Board and Minister

Child Protection and Parental Complaints Section is obliged to report quarterly to the Child Protection Oversight Group, the Management Board and the Minister on the implementation of these procedures. This report includes data on the number and nature of child protection concerns/allegations of child abuse dealt with under the procedures. In order to do so Child Protection and Parental Complaints section carry out a reconciliation of all reports received by it at the end of each quarter. Principal Officers, or PO Equivalent, are required to provide Child Protection and Parental Complaints Section with certain summary details of each child protection concern/allegation of child abuse reported by their Section during the preceding quarter using the quarterly reconciliation form provided for this purpose. The summary details requested will be based on the data recorded by POs, or PO Equivalent, in [Appendix B - Summary Record of Child Protection Concern Forms](#). Child Protection and Parental Complaints Section will check the summary record provided by each PO or PO Equivalent, against the Child Protection Concern Forms actually received during the quarter. In the case of the Inspectorate and NEPS the quarterly reports may be provided/reconciled via the Office of the Chief Inspector or NEPS Head Office, as applicable. Immediate follow up will be undertaken should any anomaly arise. This quarterly data is required to ensure that all forms submitted were received and processed by Child Protection and Parental Complaints Section.

Chapter 5: Records Management and Data Protection

- 5.1.1** The General Data Protection Regulation (GDPR) defines personal data as “any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.
- 5.1.2** Child Protection Concerns/allegations of child abuse contain sensitive personal data, including some that may be considered “special categories of personal data” under the GDPR, and each section should be aware of their responsibility with regard to data protection and GDPR requirements when recording and forwarding child protection concerns/allegations of child abuse which have come to the attention of staff, either through phone calls, written correspondence, visiting schools or outside of official business.
- 5.1.3** Staff should be aware that any personal information relating to an individual can be requested by that individual under the Data Protection legislation or Freedom of Information legislation. Data subjects have other rights also including rights to request rectification, erasure, suspension of processing but these rights are balanced against the Department’s statutory obligations for child protection. Further information for staff on the operation of data protection within the Department is available at [Data-Protection](#) and further information is available on the intranet or through contact with the Data Protection Unit at dpo@education.gov.ie.
- 5.1.4** When speaking to a person raising a concern/allegation, the staff member must inform the person that, in accordance with the Department’s role in the area of child protection, this Department cannot investigate the person’s child protection concerns/allegations of child abuse, but that the Department is obliged to transmit the person’s concern, without judgment and as reported by them to the Department, to the relevant investigatory authorities Tusla and/or An Garda Síochána.
- 5.1.5** As set out in [Section 4.1.3](#) each Principal Officer or PO Equivalent, is required to keep a secure summary record of each Child Protection Concern Form completed by staff in their area. The [Appendix B - Summary Record of Child Protection Concern Forms](#) must be used for this purpose and only the information set out in that Form should be recorded. Following acknowledgement of receipt of the Child Protection Concern Form by Child Protection and Parental Complaints Section any copies/versions of the Form held in the staff member’s section must be destroyed/deleted, including any electronic versions. However, the acknowledgement email and [Appendix B - Summary Record of Child Protection Concern Forms](#) must be retained by the PO or PO Equivalent. In the case of NEPS psychologists, copies of the Tusla Report Form and related records must be maintained in accordance with the NEPS file management and data protection procedures.
- 5.1.6** A separate confidential file with a unique ID Number will be opened by Child Protection and Parental Complaints Section for each child protection concern/allegation of child abuse which is received in, or completed by, that section under these procedures. All related documentation, e.g. reports, e-mails, records of phone calls, copies of letters, will be kept on this file.
- 5.1.7** Child Protection files opened by Child Protection and Parental Complaints Section will be stored in a secure manner given the sensitive nature of the material involved and access to such files will be strictly limited to persons authorised by the Principal Officer in Parents and Learners Unit. Records will be retained in accordance with the Department’s Retention and Disposition Schedule.

- 5.1.8** All child protection concerns/allegations of child abuse processed under these procedures will be logged on a secure database by Child Protection/Parental Complaints Section. The purpose of holding this information on this database is to retain evidence, and facilitate oversight, of compliance with these procedures including for the purposes of reporting to the Child Protection Oversight Group (CPOG), Management Board and the Minister.
- 5.1.9** Every quarter, Child Protection and Parental Complaints Section will request each Principal Officer or PO Equivalent, to provide a completed return form confirming the number of cases and other key data (as recorded using [Appendix B - Summary Record of Child Protection Concern Forms](#)) in respect of Child Protection Concern Forms submitted by their area during the relevant quarter. The request for returns sets out that it is of vital importance that returns are made within the required timeline. This will provide a system of reconciling child protection concerns/allegations of child abuse received by the Department, dealt with locally in line sections and/or transferred to Child Protection and Parental Complaints Section. Every quarter, Parents and Learners Unit will submit a report to the CPOG, the Management Board and the Minister on the implementation of these procedures, including data in relation to the number and nature of child protection concerns/allegations of child abuse which have been reported under these procedures and any issues and difficulties with implementation of the procedures.
- 5.1.10** Additional guidance in relation to the records to be maintained by NEPS psychologists is set out at [Chapter 6](#) of these procedures.

Chapter 6: Procedures to be followed by NEPS psychologists

6.1 Obligations on NEPS psychologists

- 6.1.1** The [Children First Act 2015](#) places a statutory obligation on certain categories of people to report child protection concerns/allegations of child abuse that are at or above a threshold of harm (as defined in the Act) to Tusla. Such persons are referred to as “mandated persons” under the Act. All NEPS psychologists are mandated persons under the Children First Act 2015 and therefore have such statutory reporting obligations under that Act.
- 6.1.2** As members of staff of the Department, NEPS psychologists are also required to comply in full with the ***Procedures for reporting child protection concerns which come to the attention of staff of the Department of Education.***
- 6.1.3** This chapter sets out the reporting procedures to be followed by all NEPS psychologists so that they can meet their obligations under these procedures as members of staff of the Department and can at the same time meet their statutory obligations as mandated persons under the Children First Act 2015.
- 6.1.4** Having regard to the specific statutory reporting obligations applicable to NEPS psychologists, the reporting steps set out in this chapter differ to those applicable to other staff in the Department.
- 6.1.5** Where a NEPS psychologist is unsure in relation to any particular issue or situation which may arise in applying these procedures, the advice of their Line Manager and/or Regional Director, and if necessary the advice of Child Protection and Parental Complaints Section, should be sought.
- 6.1.6** *This chapter does not apply to members of staff of NEPS who are not psychologists.* Such staff must follow the reporting procedures set out in [Chapter 2](#) of these procedures.

6.2 Reporting Procedures specific to NEPS psychologists

6.2.1 Submitting a report directly to Tusla

- 6.2.1.1** As is the case for other staff of the Department, these procedures require all NEPS psychologists to be alert to the possibility of a child protection concern/allegation of child abuse coming to their attention. They must also ensure that any such concern/allegation is dealt with in accordance with the requirements of these procedures, including the reporting procedures in this chapter.

- 6.2.1.2** Under these procedures, where a child protection concern/allegation of child abuse comes to the attention of a NEPS psychologist, the psychologist concerned is obliged to complete a Tusla Report Form, (i.e. Child Protection and Welfare Report Form (CPWRF) or Retrospective Abuse Report Form (RARP) in the case of a retrospective concern/allegation) and report that concern/allegation, without delay, directly to Tusla, where possible using the Tusla online reporting portal.
- 6.2.1.3** In completing the Tusla Report Form, the psychologist must also, as a mandated person under the Children First Act, determine and indicate on that form whether or not he/she is submitting the report as a mandated report. Please refer to [Section 6.2.2](#) for the procedures to be followed in relation to indicating whether or not the report is a mandated report.
- 6.2.1.4** In addition to submitting a report directly to Tusla and indicating whether or not the report is a mandated report, the psychologist must take the steps set out at [Section 6.2.3](#).

6.2.2 Indicating whether or not the report is a mandated report

- 6.2.2.1** Every NEPS psychologist should note that the statutory obligation under the Children First Act 2015 to make a mandated report to Tusla rests with each individual psychologist. Therefore it is the personal responsibility of the NEPS psychologist to consider whether or not the concern/allegation is at or above the defined threshold of harm at which he/she has an obligation, under the Children First Act 2015, to submit a mandated report to Tusla. [Section 6.3](#) of these procedures sets out further information in relation to the threshold at which a mandated report is required under the Act.
- 6.2.2.2** It is acknowledged that it may be difficult in many cases to determine whether a concern is at or above the threshold at which a mandated report is required. These procedures require that in any case where the NEPS psychologist has any doubt whatsoever (regardless of any advice received) as to whether the concern/allegation is at or above the defined threshold of harm for a mandated report, the psychologist must err on the side of caution and indicate on the Tusla Report Form that the report is a mandated report.

6.2.3 Additional Steps to be taken in respect of every report submitted to Tusla

- (i) Where the NEPS psychologist becomes aware of the child protection concern or allegation of child abuse during the course of a school visit the NEPS psychologist should bring the matter to the attention of the Designated Liaison Person (DLP) of the school. NEPS psychologists will be aware that all schools are required to display the name of the DLP in a prominent position near the main entrance to the school.
- (ii) Where the concern or allegation is being raised against the DLP, the psychologist must bring the matter to the attention of the Chairperson of the board of management or in the case of an ETB school, the Chief Executive of the ETB concerned.
- (iii) A copy of the report that was submitted by the NEPS psychologist to Tusla along with a completed cover note (using the template cover note available at [Appendix C](#) of these procedures) must be forwarded to the Principal Officer in Parents and Learners Unit in the Department of Education. At the same time a copy of the cover note only must be forwarded to the psychologist's Regional Director.

- (iv) In the case of remote working arrangements or where the Regional Director and/or Principal Officer of Parents and Learners Unit are not working in the same location as the psychologist, a copy of the report and cover note must be emailed, without delay, to childprotection@education.gov.ie and copying the email to the Principal Officer of Parents and Learners Unit. A copy of the cover note only must be emailed to the psychologist's Regional Director.
- (v) Where the report contains a child protection concern/allegation of child abuse raised against:
- a) A member of school personnel, other than the Principal, or a student where the alleged abuse is against another student: the Child Protection and Parental Complaints Section will immediately notify the Principal in writing and include a copy of the report made to Tusla by the psychologist
 - b) The Principal of a school: the Child Protection and Parental Complaints Section will immediately notify the Chairperson of the board of management or in the case of an ETB school, the Chief Executive of the ETB concerned in writing and include a copy of the report made to Tusla by the psychologist.

The notification will request that the school:

- Ensure that the matter is dealt with in accordance with the relevant procedures in the [Child Protection Procedures for Primary and Post-Primary Schools 2017](#)
 - Follow up with the person raising a concern/allegation, where appropriate
 - Keep the Child and Family Agency (Tusla) apprised of any further follow-up action taken in relation to this matter
- (vi) All mandated reports received by a Tusla authorised person on a completed Tusla Report Form will generate a formal acknowledgement of receipt by Tusla. When a NEPS psychologist receives a formal acknowledgement from Tusla, a copy of this acknowledgement must be forwarded to both his/her Regional Director in NEPS and the Principal Officer of Parents and Learners Unit.
- (vii) A separate confidential file with a unique ID number will be opened by the Child Protection and Parental Complaints Section within Parents and Learners Unit for each mandated report made by a NEPS psychologist. The copy of the mandated report form and all related documentation will be kept in this file. Files will be stored in a secure manner given the sensitive nature of the material involved and access to such files should be strictly limited to persons authorised by the Principal Officer in Parents and Learners Unit.
- (viii) The details of the report made by the NEPS psychologist will also be recorded on a secure database in the Child Protection and Parental Complaints Section.
- (ix) Child Protection and Parental Complaints Section will not forward the report again to Tusla.
- (x) Every quarter, Child Protection and Parental Complaints Section will reconcile the number of reports made by NEPS with the relevant Regional Director in NEPS. The quarterly reports and reconciliation concerned may be done via NEPS Head Office.
- (xi) Aggregated data in relation to the number and nature of reports made by NEPS under these procedures will be included in the quarterly report submitted to the Child Protection Oversight Group, the Management Board and the Minister.

6.3 Mandated Reports

6.3.1 Under the [Children First Act 2015](#) mandated persons are required to report to Tusla any knowledge, belief or reasonable grounds to suspect that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances.

Section 14(1) of the [Children First Act 2015 - Section 14](#) states that:

“where a mandated person, knows, believes or has reasonable grounds to suspect on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child –

(a) has been harmed,

(b) is being harmed, or

(c) is at risk of being harmed,

he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency.”

Section 14(2) of the [Children First Act 2015 - Section 14](#) also places obligations on mandated persons to report any disclosures made to him or her by a child. It states that:

“Where a child believes that he or she –

(a) has been harmed,

(b) is being harmed, or

(c) is at risk of being harmed,

and discloses this belief to a mandated person in the course of a mandated person’s employment or profession as such a person, the mandated person shall, ... as soon as practicable, report that disclosure to the Agency.”

In accordance with Section 2 of the [Children First Act 2015 \(S2\)](#) the defined threshold of “harm” in relation to a child is as follows:

(a) 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

(b) sexual abuse of the child, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise;”

(c) “ill-treatment” means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated;

The four types of child abuse are described in Chapter 2 of the [Children First: National Guidance for the Protection and Welfare of Children 2017](#). The Threshold of Harm for each category of abuse, for which the NEPS psychologist as mandated persons have a statutory obligation to report concerns, is set out in Chapter 3 of the [Children First National Guidance](#)

Important note: As all sexual abuse falls within the category of seriously affecting a child’s health welfare or development, all concerns about sexual abuse must be submitted as a mandated report to Tusla. There is one possible exception relating to certain sexual activity between older teenagers which is outlined in section 6.3.2 (b) of these procedures.

6.3.2 Exemptions under the Act to making a mandated report

Important Note: While the Children First Act 2015 sets out certain exemptions to the requirement on a mandated person to make a mandated report, it is important to be aware that every NEPS psychologist is also a member of staff of the Department and, as such, is also obliged to comply with these procedures for staff of the Department.

These procedures requires that all child protection concerns/allegations of child abuse that come to the attention of a NEPS psychologist must be reported to Tusla following the procedures set out in this chapter, regardless of the statutory exemptions from mandated reporting. Accordingly, the exemptions in the Act are relevant only to whether or not the psychologist indicates that the report they are making to Tusla is a mandated report.

In that regard, it is the personal responsibility of the NEPS psychologist to indicate on the Tusla Report Form whether or not the report is a mandated report. Where the NEPS psychologist is unsure or cannot fully satisfy themselves that an exemption applies, the psychologist **must** err on the side of caution and indicate on the Tusla Report Form that the report is a mandated report.

(a) Information from another mandated person or as a result of assisting Tusla

The Act provides that a mandated person is not required to make a mandated report where the sole basis for his or her knowledge, belief or suspicion of harm is as a result of information he/she has acquired, received or become aware of -

- (1) from another mandated person that a report has been made to Tusla in respect of the child concerned by that other person or
- (2) **from a person other than a mandated person, who has reported jointly with a mandated person, that a report has been made to Tusla in respect of the child concerned by that other person, or
- (3) pursuant to assisting Tusla in assessing a concern.

****Note regarding (2) above:** It is very important to note that the Department's [Child Protection Procedures for Primary and Post-Primary Schools 2017](#) do not provide for joint reporting by non-teaching school personnel. Therefore when deciding whether or not to indicate that a report is being submitted as a mandated report, this particular exemption in the Act must not be relied upon by NEPS psychologists in respect of concerns/allegations that come to their attention from non-mandated school personnel.

(b) Certain underage sexual activity

Under the Criminal Law (Sexual Offences) Act, 2006 the legal age of consent is 17 years. A sexual relationship where one or both parties is under 17 years of age is illegal. However, a mandated person is exempted from making a mandated report to Tusla in relation to underage sexual activity where certain specified criteria are met. Section 14 (3) of the [Children First Act 2015 - Section 14](#) sets out this exemption from reporting underage sexual activity. It provides that if a mandated person is satisfied that **all** of the following criteria are met then a report to Tusla is not required:

- The child concerned is aged between 15 and 17 years old
- The age difference between him or her and the other party to the sexual activity is not more than 24 months
- There is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned

- The relationship between the parties engaged in the sexual activity concerned is not intimidatory or exploitative of either party **and**
- The child concerned makes known to the mandated person that he/she does not want any information about the activity to be disclosed to Tusla

Only where **all** of the above criteria are met, mandated persons are not obliged to make a mandated report to Tusla in respect of sexual activity between such older children. However, it should be noted that the above exemption does not apply where a child believes that he/she has been harmed, is being harmed or is at risk of being harmed and discloses that belief to the mandated person.

In accordance with the key principle that the welfare of the child is paramount, these procedures require that every child protection concern/allegation of abuse, even where all the above criteria are met, must be reported by the psychologist in accordance with the steps set out in this chapter.

6.4 Emergency situations

In an emergency situation, where the psychologist believes that the child is at risk of immediate harm, the psychologist should contact Tusla without delay before making a written report. Under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by Tusla. If a psychologist thinks the child is in immediate danger and cannot contact Tusla, the Gardaí should be contacted. In such an emergency situation, the psychologist must follow up with a mandated report to Tusla within three days in accordance with the reporting procedures in this chapter. The psychologist should also inform their Regional Director as soon as practicable should such circumstances arise.

6.5 Retrospective allegations of child abuse

Child protection concerns may arise where allegations made retrospectively by adults relate to abuse that is alleged to have occurred in their childhood. Retrospective allegations of child abuse may apply to all or any of the categories of abuse, i.e. neglect, emotional abuse, physical abuse or sexual abuse.

Concerns may arise even if there is no specific child named in relation to the concern. Based on known or suspected past behaviour a current concern could exist about the risk an individual may pose to children with whom they may now have contact.

The person who allegedly caused the harm may continue to pose a risk to a child or children with whom they have current contact whether in the course of their current personal or professional lives. Accordingly retrospective allegations of child abuse must always be reported by psychologists in accordance with the provisions of this chapter. The Tusla Retrospective Abuse Report Form should be used by the psychologist when reporting retrospective concerns/allegations.

6.6 Disclosures from children

A child may disclose abuse to a NEPS psychologist. The child is likely to be under severe emotional stress and the psychologist may be the only adult whom the child is prepared to trust. Care should be taken not to damage that trust. When information is offered in confidence by a child, the psychologist will need to show sensitivity in responding to the disclosure. The psychologist will need to reassure the child, while explaining the need for the matter to be investigated which will necessarily involve informing certain people in positions of authority. The following advice, based on [Children First National Guidance](#) (Page 22), should be followed by any psychologist to whom a child makes a disclosure of abuse:

- ❖ React calmly

- ❖ Listen carefully and attentively
- ❖ Take the child seriously
- ❖ Reassure the child that they have taken the right action in talking to you
- ❖ Do not promise to keep anything secret
- ❖ Ask questions for clarification only. Do not ask leading questions
- ❖ Check back with the child that what you have heard is correct and understood
- ❖ Do not express any opinions about the alleged abuser
- ❖ Ensure that the child understands the procedures that will follow
- ❖ Make a written record of the conversation as soon as possible, in as much detail as possible and include the recorded information in full in the Tusla Report Form.
- ❖ Treat the information confidentially, subject to the requirements of these procedures, [Children First National Guidance](#) and legislation

6.7 Mandated Assistance

6.7.1 Section 16 of the Children First Act, 2015 provides that Tusla may request a mandated person to provide any necessary and proportionate information and assistance to aid Tusla in assessing the risk to a child arising from a mandated report. The Act places a statutory obligation on all mandated persons to comply, as soon as practicable, with a request made by Tusla in accordance with section 16 of the Act. A mandated person must comply with this request, regardless of who made the mandated report.

6.7.2 Children First National Guidance 2017 outlines that Tusla accepts the time limitations and pressures on other professionals and will use mandated assisting only when necessary and only to the extent needed by each specific case. Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting. Further information about mandated assistance, including Tusla's protocol for requesting such assistance, can be found on Tusla's website www.tusla.ie.

6.8 Consequences of non-reporting

6.8.1 While the Children First Act, 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla, Children First National Guidance 2017 outlines that there are possible consequences for mandated persons who fail to report. There are a number of administrative actions that Tusla could take, if after an investigation, it emerges that a mandated report was not made by a mandated person and a child was subsequently left at risk or harmed.

6.8.2 In that regard, Children First National Guidance 2017 provides that Tusla may:

- (a) Make a complaint to the Fitness to Practise Committee of a regulatory body of which the mandated person is a member.
- (b) Pass information regarding the failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could potentially be disclosed to the mandated person's current or future employers when person is next Garda vetted.

6.9 The offence of unauthorised disclosure

6.9.1 Section 17 of the Children First Act, 2015 makes it an offence for a person to disclose information to a third party which has been shared by Tusla during the course of an assessment arising from a mandated report, save in accordance with law, or unless Tusla has given that person written authorisation to do so. Failure to comply with this section of the Act is an offence liable to a fine or imprisonment for up to six months or both.

6.9.2 Section 16(3) of the Children First Act, 2015 provides that a mandated person, who shares information with Tusla pursuant to a mandated assistance request made by Tusla in accordance with section 16 of the Act, is protected from civil liability in relation to the sharing of that information with Tusla. Section 16 (3) of the Children First Act, 2015 states:

'If a mandated person furnishes any information (including a report) document or thing to the Agency pursuant to a request made under subsection (1), the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings.'

6.10 Contact outside of the Work Environment

6.10.1 Children First National Guidance 2017 outlines that the statutory obligation to make a mandated report under the Act applies only to information that a mandated person acquires in the course of his or her employment or profession as such a mandated person. It does not apply to information acquired outside of his or her work, or information given to him or her on the basis of a personal rather than a professional relationship.

6.10.2 However, it is important to be aware that while the NEPS psychologist is a mandated person, he/she is also a member of staff of the Department, and as such is obliged to comply with these procedures for staff of the Department.

6.10.3 Where a NEPS psychologist becomes aware of a child protection concern/allegation of child abuse while **not working on official business for the Department**, the matter must be reported by the psychologist, without delay, in accordance with the steps outlined in this chapter where that concern/allegation -:

- Is raised against a member of school personnel or
- Relates to alleged abuse by a student
- Is raised against a member of staff of an agency or body funded or recognised by the Department, or
- Is raised against a member of staff of the Department

6.10.4 If the psychologist is unable, for any reason, to complete the Tusla Report Form he/she must make contact with a member of staff in Child Protection and Parental Complaints Section by phone to **090 648 4099** or email to **childprotection@education.gov.ie** in order that the relevant details of the concern/allegation are recorded and reported as appropriate.

6.10.5 Where **not working on official business for the Department** and a concern/allegation comes to the attention of a psychologist but it does not fall within those matters listed at [Section 6.10.3](#) above, it does not fall to be reported under these procedures. However, psychologists are encouraged to be fully aware of and to follow the relevant [Children First National Guidance](#) in relating to reporting such concerns to Tusla, the Child and Family Agency as a private citizen.

Chapter 7: Oversight of Child Protection

7.1 Child Protection Procedures for Primary and Post-Primary Schools 2017

The Department's revised [Child Protection Procedures for Primary and Post-Primary Schools 2017](#) take account of the [Children First National Guidance and the Children First Act 2015](#). The procedures are based on the overarching principle that the protection and wellbeing of the child is the most important consideration.

The main new elements of the [Child Protection Procedures for Primary and Post-Primary Schools 2017](#) are:

- ❖ All schools are subject to new statutory obligations arising from the [Children First Act 2015](#).
- ❖ Every registered teacher, as a mandatory person for the purposes of the Act, has a statutory obligation to directly report instances of child protection concerns/allegations of child abuse at or above a threshold of harm to Tusla.
- ❖ Every school has a statutory obligation to ensure as far as practicable that each child attending the school is safe from harm and schools are required to publish a Child Safeguarding Statement which sets out the principles and procedures to be observed to ensure as far as practicable, that a child, while attending school is safe from harm and to undertake a risk assessment.
- ❖ Significantly enhanced oversight measures have been put in place at both school and Department level. The oversight measures within the Department include the introduction of new child protection specific inspections and the establishment of the Child Protection Oversight Group.

Copies of the Department's [Child Protection Procedures for Primary and Post-Primary Schools 2017](#) are located [here](#) on the Department's Intranet under **Child Protection Procedures for Staff**, and staff whose work brings them into contact with schools should familiarise themselves with these guidelines.

Documents/templates, which can be found at <https://www.education.ie/en/Schools-Colleges/Information/Child-Protection/Information.html>, are available for schools to use in implementing the Child Protection Procedures. Some of these templates are mandatory to use and some are optional.

7.2 The Department's Child Protection Oversight Group (CPOG)

A Child Protection Oversight Group (CPOG) has been established within the Department comprising senior members of the Inspectorate and senior officials from Parents and Learners Unit, NEPS, Terms and Conditions Section and School Governance Section.

One of the key functions of the CPOG is to monitor the implementation of these procedures across the Department and to report to the Management Board and Minister in relation to same.

The CPOG also:

- Co-ordinates the Department's actions in cases where there are serious concerns regarding the compliance of a school with the requirements of the child protection procedures for schools.
- Receives regular reports from Child Protection and Parental Complaints section, within Parents and Learners Unit, on the implementation of these procedures and from the Inspectorate concerning the compliance or non-compliance of schools with the child protection procedures for schools

- Reports to the Management Board on a quarterly basis on the implementation of these procedures, the compliance or non-compliance of schools with the child protection procedures for schools and on schools with whom the CPOG is engaging.

7.3 Management Board and Minister

The Management Board of the Department receives and reviews quarterly reports on the implementation of these procedures including in relation to the numbers and types of child protection concerns/allegations of child abuse recorded across the Department, quarterly reports on compliance by schools with the child protection procedures for schools and reports on any schools with whom the CPOG is engaging. The Department's child protection oversight arrangements provide for the Minister to be furnished with these reports on child protection on a quarterly basis.

7.4 Participation in the Children First Interdepartmental Implementation Group

At national level, the Department is a member of the Children First Inter-Departmental Implementation Group (CFIDIG) chaired by the Department of Children, Equality, Disability, Integration and Youth. The Interdepartmental Group was first established in 2013 to oversee the implementation of Children First across all Government Departments. The group was given a statutory basis under the [Children First Act 2015](#).

[Section 22 Children First Act 2015](#) sets out the functions of the Group which are to –

- Promote compliance by Departments of State with their obligations under the Act;
- Monitor the implementation by Departments of the [Children First National Guidance](#)
- Provide support to Departments of State in respect of the preparation and publication of sectoral implementation plans;
- Promote a consistent approach by Departments in respect of the preparation and publication of sectoral implementation plans;
- Report to the Minister, when requested, on the implementation of this Act and of the [Children First National Guidance](#) ; and
- Provide information or advice, or make proposals, to the Minister on matters relating to the functions of the Implementation Group referred to above.

7.5 Department's Children First Sectoral Implementation Plan

The Department has prepared and published a Children First Sectoral Implementation Plan in accordance with the [Children First Act 2015](#). The Department's Sectoral Plan sets out the various measures already in place or planned in respect of the Department itself (NEPS, Inspectorate and other relevant DES staff) and in respect of the wider education sector. It also sets out the measures in place or planned in respect of agencies and bodies under the aegis of the Department. The Plan will be monitored on an ongoing basis and will be reviewed at least every 3 years as required under the Act.

Child Protection Concern Form

STRICTLY CONFIDENTIAL

Any allegation made to the Department of Education, of neglect, physical, sexual, or emotional abuse of children, regardless of whether the alleged incident took place in the school or not, should be **dealt with as a matter of utmost seriousness and urgency**. **Sensitivity and understanding** will be required in communicating with a person raising a concern, particularly where he/she is the alleged victim or a parent or relative of the alleged victim.

PART 1

1. Response Given by Department Staff to the Person raising a concern:

The person raising a concern has been informed that:

In accordance with our role in the area of child protection, this Department cannot investigate your child protection concern but we are obliged to transmit your concern, without judgment and as reported by you to the Department, to the relevant investigatory authorities, including the school, the Child and Family Agency (Tusla) and/or An Garda Síochána.

Yes:

No:

2. How and when concern came to the attention of staff member

How this child protection concern came to the attention of the staff member	Telephone: <input type="checkbox"/> Email: <input type="checkbox"/> Letter: <input type="checkbox"/> Representation: <input type="checkbox"/> Personal Contact: <input type="checkbox"/> Other- please specify: _____ _____
Date and time child protection concern came to the attention of the staff member	Date: _____ Time: _____

4. Details of Person raising a Child Protection Concern

<p>Name and contact details of <u>person raising a concern</u> (ie the person who is raising the child protection concern with the Department):</p>	<p>First Name: _____ Surname: _____</p> <p>Address: _____ _____ _____ Eircode: _____</p> <p>Organisation/Department: _____</p> <p>Phone/Mobile: _____ Email: _____</p>
<p>What is the relationship between this child and the person raising the child protection concern?</p>	
<p>If the person raising a concern is not the parent/guardian of the child, are the child's parents/guardians aware that this child protection concern is being reported to the Department?</p>	<p>Yes: <input type="checkbox"/></p> <p>No: <input type="checkbox"/> If No - please indicate reasons: _____ _____</p> <p>Not known: <input type="checkbox"/></p>
<p>Has the person raising a concern discussed the child protection concern with this child?</p>	<p>Yes: <input type="checkbox"/> No: <input type="checkbox"/> Not known: <input type="checkbox"/></p>
<p>Has the person raising a concern reported this child protection concern to the School, the Child and Family Agency (Tusla), or the Gardaí?</p> <p>If so, record the names and contact details of the persons so informed, otherwise enter "No" or "Not Known", as appropriate</p>	<p>School:</p> <p>Child and Family Agency (Tusla):</p> <p>Gardaí:</p>

5. Details of Person/s against whom the child protection concern is being raised

If there is more than one person, against whom the child protection concern is being raised, please append details at the end of this form if completing electronic version otherwise enter details on a separate sheet.

<p>Name and current contact details of the person <u>against</u> whom the child protection concern is being raised</p> <p>If a member of school personnel or a student please enter school details</p>	<p>First Name: _____ Surname: _____</p> <p>Address: _____ _____ _____ Eircode: _____</p> <p>Phone/Mobile: _____ Email: _____</p> <p>Name and Address of their current school: _____ _____</p> <p>Position in School: _____</p> <p>Other contact details: _____</p>
<p>What is the relationship between this child and the person/s against whom the child protection concern is being raised?</p>	
<p>If the school to which this child protection concern refers is different to the current school of employment (or involvement) of the person against whom the concern has been raised, record details of this school:</p>	<p>School Name: _____</p> <p>School Address: _____ _____ _____ Eircode: _____</p> <p>Position in the school at the time of the alleged concern: _____</p>

6. To be completed by Staff Member and his/her Principal Officer or PO Equivalent

Signed: _____ Block Letters: _____
 Staff member who took the details of the child protection concern

Section: _____ Date: _____

Signed: _____ **Block Letters:** _____
Principal Officer/PO Equivalent of Staff member

Section: _____ **Date:** _____
Date of transferring the child protection concern to the Child Protection and Parental Complaints Section

7. To be completed by Principal Officer, Parents and Learners Unit

Signed: _____ **Block Letters:** _____
Judith Lyons
Principal Officer

Section: **Parents and Learners Unit** **Date:** _____
(which includes the Child Protection and Parental Complaints Section)

January 2021

Appendix B - Summary Record of Child Protection Concern Forms

<p style="text-align: center;">Summary of Child Protection Concern Forms submitted to the Principal Officer Parents and Learners Unit</p> <p style="text-align: center;">and to be forwarded to Child Protection and Parental Complaints Section (within Parents and Learners Unit) on a Quarterly Basis</p>							
Section Title:							
PO or PO Equivalent:						<i>Enter Reporting Period here, e.g. Jan-Mar 2021</i>	
	Date Concern / Allegation Received in Section	Name of Staff member who completed the Child Protection Concern Form	Method of Contact - Phone/ Written or Personal Contact	School Roll Number	Name and contact details of the person who contacted the section with the concern/allegation	Date the Child Protection Concern Form was forwarded to Parents and Learners Unit, either via post or email.	For NEPS only - Indicate if mandated or non-mandated Report
1	<u>DD /MM / YY</u>					<u>DD /MM / YY</u>	
2	<u>DD /MM / YY</u>					<u>DD /MM / YY</u>	
3	<u>DD /MM / YY</u>					<u>DD /MM / YY</u>	
4	<u>DD /MM / YY</u>					<u>DD /MM / YY</u>	
5	<u>DD /MM / YY</u>					<u>DD /MM / YY</u>	
6	<u>DD /MM / YY</u>					<u>DD /MM / YY</u>	
7	<u>DD /MM / YY</u>					<u>DD /MM / YY</u>	
8	<u>DD /MM / YY</u>					<u>DD /MM / YY</u>	
9	<u>DD /MM / YY</u>					<u>DD /MM / YY</u>	
10	<u>DD /MM / YY</u>					<u>DD /MM / YY</u>	

Appendix C - NEPS-Cover note for Tusla Report Form

Cover note for Tusla Report Forms

This cover note should be attached to each Tusla Report Form, **before it is provided to the Regional Director and to the Principal Officer**, Parents and Learners Unit, Department of Education, Cornamaddy, Athlone, Co. Westmeath N37 W7V0.

Name and contact details of mandated person making this report	
Date and time this report was made	
How was this report made, e.g. by post or Portal?	
Name of person in Tusla to whom the report was posted, i.e. where portal was not used to report	
Name of school	
Roll number	
School address	

Signed: _____

Date: _____

Appendix D - Further information and contact details

Legislation

Children First Act 2015: <http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf>

Child Care Act 1991: <http://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/html>

Protections for Persons Reporting Child Abuse Act 1998:

<http://www.irishstatutebook.ie/eli/1998/act/49/enacted/en/html>

Criminal Justice (Withholding of Information on offences against children and vulnerable persons) Act 2012

<http://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html>

Criminal Law (Sexual Offences) Act 2017 <http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html>

Criminal Justice Act 2006 <http://www.irishstatutebook.ie/eli/2006/act/26/enacted/en/html>

National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016

<http://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html>

Websites/Contacts

- TUSLA (The Child and Family Agency) <https://www.tusla.ie/>
- Department's Information on Child Protection, Bullying, Complaints and Discrimination <https://www.gov.ie/en/policy-information/complaints-about-schools/?referrer=http://www.education.ie/en/Parents/Information/Complaints-Bullying-Child-Protection-Discrimination/>
- Information for staff on the operation of data protection within the Department is available at <https://www.gov.ie/en/organisation-information/data-protection/?referrer=http://www.education.ie/en/The-Department/Data-Protection/>
- Garda National Protective Services Bureau, Garda HQ, Harcourt Square, Dublin 2
Tel: +353(0) 1 6663430/35 Email: gnpsb@garda.ie or local Garda Station
- National Parents Council: Information/helpline for parents – <http://www.npc.ie/>
Tel: 00353 (0) 1 8874477 Email: helpline@npc.ie
- Irish Human Rights and Equality Commission, Irish Human Rights & Equality Commission
16-22 Green Street, Dublin 7 D07 CR20 <https://www.ihrec.ie> Tel: + 353 (0) 1 8589601 Email: info@ihrec.ie

Online training and resources

- Children First E-Learning Programme: <https://www.tusla.ie/children-first/children-first-e-learning-programme/>
The programme is based on [Children First: National Guidance for the Protection and Welfare of Children 2017](#) and the [Children First Act 2015](#). The programme covers topics including, recognising and reporting child abuse; the role of mandated persons; the responsibilities of organisations working with children to safeguard children and the role of designated liaison persons.
- Children First: National Guidance for the Protection and Welfare of Children <https://www.dcy.gov.ie/documents/Publications/ChildrenFirst.pdf>
- Child Protection Procedures for staff, Quick Reference Guide and Child Protection Concern Forms for Department Staff: <http://intranet/info/PPP>
- Child Protection Procedures for Primary and Post Primary Schools 2017 <https://www.gov.ie/en/collection/12bee3-child-protection-procedures-in-schools/>
- Department of Education: Bullying Information for Parents and Students <https://www.gov.ie/en/policy-information/complaints-about-schools/?referrer=http://www.education.ie/en/Parents/Information/Complaints-Bullying-Child-Protection-Discrimination/>

The <https://tacklebullying.ie/> website also provides information, support and advice for students, teachers and parents on how to recognise and deal with bullying behaviour and allows teenagers to share experiences with their peers online.
- Information for parents and schools on procedures and reporting child protection concerns/allegations of child abuse to Tusla: <https://www.gov.ie/en/policy-information/9e0b6-child-protection-in-schools/>
- A Guide for the Reporting of Child Protection and Welfare Concerns <https://www.tusla.ie/children-first/publications-and-forms/>