

STANDARD 2

PROCEDURES FOR RESPONDING TO CHILD PROTECTION SUSPICIONS, CONCERNS, KNOWLEDGE OR ALLEGATIONS

2.1L Guidance on Mandated Persons (only applies in the Republic of Ireland)

Mandated persons (as defined in the Children First Act 2015) are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. Mandated persons include professionals working with children in the education, health, justice, youth and childcare sectors. Certain professionals who may not work directly with children, such as those in adult counselling or psychiatry, are also mandated persons. The list also includes registered foster carers and members of the clergy or pastoral care workers of a church or other religious community.

Each Church body should consult the full list of categories who are classified as mandated persons under Schedule 2 of the Children First Act 2015 to establish which members of Church personnel are classified as mandated persons. To assist with this task it should be understood that:

- All clerics and religious who have any ministry are to be considered mandated persons
- Volunteers are not mandated persons under the Children First Act 2015. However DLPs or Deputy DLPs who are volunteers are classed as mandated persons under Church standards.

On completion of this process the Church authority must retain a list of all mandated persons, and ensure this is kept up to date. In developing this list Tusla have advised that there should be a clear statement of the type of roles that a Church body are listing as mandated persons then a number of mandated persons that are in the Church body against each role (i.e. Clerics (25), Pastoral Workers (50), Religious (15) etc).

The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However, there are possible consequences for a failure to report. There are a number of administrative actions that Tusla could take if, after an investigation, it emerges that you did not make a mandated report and a child was subsequently left at risk or harmed.

Tusla may:

- Make a complaint to the Fitness to Practise Committee of a regulatory body of which you are a member
- Pass information about your failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could therefore be disclosed to your current or future employers when you are next vetted

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report under the Act is a criminal offence under that legislation. This obligation is in addition to any obligations under the Children First Act 2015.¹

¹ This piece of guidance has been adapted from the Children First Guidance documents published by DCYA, 2017.