

6 December 2017

Dear Father, Pastoral Care worker, Safeguarding Officer,

You may be aware that on 11<sup>th</sup> December, 2017 important sections of Children First Act 2015 will become operational in the Republic of Ireland. Two sections of this legislation are of critical importance to you - Section 14(1) and Section 14(2) as these refer to mandated persons.

Mandated persons are people who have contact with children and families and who because of their role, qualifications, training and/or employment, are in a key position to help protect children from harm. For a full list of those who are classified as mandated persons, please see attached Schedule 2 of the Children First Act.

From the Catholic Church's perspective, the following are considered to be mandated persons:

- Member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
- Safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children.

As a mandated person you have two main obligations under the legislation:

1. To report the harm to children above a defined threshold to Tusla;
2. To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

The threshold for reporting by a mandated person is outlined in section 14(1) and 14(2) as

**Section 14(1)**

*“...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 also places obligations on mandated persons to report any disclosures made by a child:**

*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.'*

Section 2 of the Children First Act 2015 defines harm in relation to a child as '*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.'*

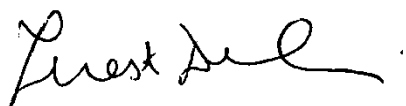
As a mandated person you must report any knowledge, belief or reasonable suspicion that a child has been harmed to TUSLA and to An Garda Síochána from 11<sup>th</sup> December 2017 onwards.

Allegations relating to Church personnel (clerics, religious, employees and volunteers) will continue to be processed through the DLP, when a joint report will be made with you as the person who has received the allegation. Allegations relating to matters outside the Church will need to be processed solely by you; however you can consult with Tusla and/or the DLP to ensure the concern meets the threshold for reporting.

For the National Board's guidance on mandated persons please follow this link

<https://www.safeguarding.ie/roles?task=document.viewdoc&id=331> .

Yours sincerely,



Teresa Devlin  
Chief Executive Officer