



PART 7:

RESPONDING TO AND REPORTING CHILD PROTECTION OR WELFARE CONCERNS

INTRODUCTION

Abuse and serious neglect occur in all sectors of society. There is no such thing as an 'abuse-free' community. In our communities there are children who are being abused, adults who have been deeply scarred by childhood abuse and people who are currently abusing, or have abused, children. The Church must do all it can to ensure the protection of children from all forms of harm and abuse.

Safeguarding Trust is in place to offer guidance to enable parishes, dioceses, bishops, clergy, staff and volunteers to safeguard the welfare of children with whom they work and to report any concerns they may have for the protection and/or welfare of a child.

The Church must take all reasonable steps to:

- exclude known abusers from contact with children;
- report to the statutory authorities any suspicious person or known offender attempting to make contact with children;
- report to the appropriate Tusla duty social worker and/or An Garda Síochána when there is an allegation, disclosure or concern of abuse arising from activities within the Church.

The incumbent and select vestry must take reasonable care in all the circumstances to ensure that ministry with children is managed and supervised in accordance with the principles set out in *Safeguarding Trust*.

RECOGNISING ABUSE⁵

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, it should be considered a child welfare and protection issue for both children and the reporting procedures should be followed for both the victim and the alleged abuser.

The 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/guardian.

⁵ Children First: National Guidance for the Protection and Welfare of Children (2017, Department of Children and Youth Affairs) Pg.7



The definitions of neglect and abuse outlined in section (*see Part 8 - Appendices*) are not legal definitions but are taken from Children First: National Guidance for Protection and Welfare of Children 2017. They are intended to describe, in a plain-English way, the ways in which a child might experience abuse and how this abuse may be recognised.⁶ In dealing with children, bishops, clergy, staff and volunteers need to be alert to the possibility that a welfare or protection concern may arise in relation to children they come in contact with. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

Some children may be more vulnerable to abuse than others and there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. The following are some of the complicating factors and circumstances which may make children more vulnerable to harm:

- Age of child.
- Domestic and sexual violence.
- Parental mental health problems.
- Parental substance misuse.
- Parental intellectual disability.
- Children with disabilities.
- Unknown male partners and their history/association with the family.
- Families who are 'uncooperative' or 'hard to engage'.
- Poverty and social exclusion.⁷

It is important to remember that identifying additional vulnerability to risk of abuse does not mean that any specific child in those circumstances or settings is being abused.

Abuse is not always committed through personal contact with a child, sometimes it is perpetrated through social media or the use of information and communication technology.

REASONABLE GROUNDS FOR CONCERN⁸

There are many reasons bishops, clergy, staff or volunteers may be concerned about the welfare or protection of a child. Tusla should be informed if there are reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. If what may be symptoms of abuse are ignored, it could result in ongoing harm to the child. It is not necessary to prove that abuse has occurred to report a concern to Tusla, all that is required is that reasonable grounds for concern exist. It is Tusla's role to assess concerns that are reported to it by carefully considering any information reported along with any other information available and a child protection assessment is carried out where sufficient risk is identified. Where the concern relates to conduct which potentially amounts to a criminal offence, An Garda Síochána will also have a role in conducting a criminal investigation.

⁶ Child Safeguarding: A Guide to Policy, Procedure and Practice (2018, Tusla) Pg.25

⁷ Child Safeguarding: A Guide for Policy, Procedure and Practice (2018, Tusla) Pg.26

⁸ Children First: National Guidance for the Protection and Welfare of Children (2017, Department of Children and Youth Affairs) Pg.6



Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way.
- Any concern about possible sexual abuse.
- Consistent signs that a child is suffering from emotional or physical neglect.
- A child saying or indicating by other means that he or she has been abused.
- Admission or indication by an adult or a child of an alleged abuse they committed.
- An account from a person who saw a child being abused.

Where appropriate, any issues should be checked with the parents/guardians when considering whether a concern exists, unless doing so may further endanger the child or person considering making a report. Consider, for example, whether the parent(s)/guardian(s) themselves are the person(s) in respect of whom the reasonable grounds for concern of child abuse has arisen.

Where a bishop, clergy, staff member or volunteer has a concern that meets one of the above reasonable grounds for concern they must follow the reporting procedures set out below to ensure that it is reported to Tusla.

RESPONDING TO A CHILD WHO DISCLOSES ABUSE⁹

A child may disclose to a bishop/clergy/staff member/volunteer that they have been or are being harmed or abused. Children will often have different ways of communicating that they are being abused. If a child hints at or tells a bishop/clergy/staff member/volunteer that he or she is being harmed by someone, be it a parent/guardian, another adult or by a child (peer abuse), it should be treated in a sensitive way.

Remember, a child may disclose abuse to a bishop/clergy/staff member/volunteer as a trusted adult at any time during their work with them. It is important that bishops, clergy, staff and volunteers are aware and prepared for this.

- Be as calm and natural as possible.
- Remember that you have been approached because you are trusted and possibly liked. Do not panic.
- Be aware that disclosures can be very difficult for the child.
- Remember, the child may initially be testing your reactions and may only fully open up over a period of time.
- Listen to what the child has to say. Give them time and opportunity to tell as much as they are able and wish to.
- Do not pressurise the child. Allow him or her to disclose at their own pace and in their own language.

⁹ Child Safeguarding: A Guide for Policy, Procedure and Practice (2018, Tusla) Pg.34-35



- Conceal any signs of disgust, anger or disbelief.
- Accept what the child has to say - false disclosures are very rare.
- It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The child quite possibly may love or strongly like the alleged abuser whilst also disliking what was done to them. It is important therefore to avoid expressing any judgement on, or anger towards the alleged perpetrator while talking to the child.
- It may be necessary to reassure the child that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed.
- Reassure the child that they have taken the right action in talking to you.

WHEN ASKING QUESTIONS

- Questions should be supportive and for the purpose of clarification only.
- Avoid leading questions, such as asking whether a specific person carried out the abuse. Also, avoid asking about intimate details or suggesting that something else may have happened other than what you have been told. Such question and suggestions could complicate the official investigation.

CONFIDENTIALITY - DO NOT PROMISE TO KEEP SECRETS

At the earliest opportunity, tell the child that:

- You acknowledge that they have come to you because they trust you.
- You will be sharing this information only with people who understand this area and who can help. There are secrets which are not helpful and should not be kept because they make matters worse. Such secrets hide things that need to be known if people are to be helped and protected from further on-going hurt. By refusing to make a commitment to secrecy to the child, you do run the risk that they may not tell you everything (or, indeed, anything) there and then. However, it is better to do this than to tell and lie and ruin the child's confidence in yet another adult. By being honest, it is more likely that the child will return to you at another time.

THINK BEFORE YOU PROMISE ANYTHING - DO NOT MAKE PROMISES YOU CANNOT KEEP

At the earliest possible opportunity:

- Record in writing, in a factual manner, what the child has said, including, as far as possible, the exact words used by the child.
- Inform the panel immediately and agree measures to protect the child, e.g. report the matter directly to Tusla.
- Maintain appropriate confidentiality.



ONGOING SUPPORT

Following a disclosure by a child, it is important that the bishop/clergy/staff/volunteer continues in a supportive relationship with the child. Disclosure is a huge step for a child. The bishop/clergy/staff/volunteer should continue to offer support, particularly by:

- Maintaining a positive relationship with the child.
- Keeping lines of communication open by listening carefully to the child.
- Continuing to include the child in the usual activities.

Any further disclosure should be treated as a first disclosure and responded to as indicated above. Where necessary, immediate action should be taken to ensure the child's safety.

REPORTING PROCEDURES

This is the standard reporting procedures for bishops, clergy, staff and volunteers and panel members to utilise where there is a child protection concern that meets the reasonable grounds for concern. Where a concern meets the mandated reporting threshold as set out in the Children First Act 2015, the mandated reporting procedures set out below should be utilised by the mandated persons. Where a concern includes information that a person has committed a serious offence against a child, under the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012, this must be reported to the Gardaí in addition to Tusla.

Regardless of how a concern comes to bishop/clergy/staff/volunteer's attention, it is the bishop/clergy/staff/volunteer's responsibility to report their concerns to a panel member. The bishop/clergy/staff/volunteer can make contact with a panel member by telephone but should also provide the panel with a full written record of their concern. Even in situations where a staff member or volunteer is unsure about their concerns, they should still report to the panel so that advice can be sought in relation to their concerns.

The bishop/clergy/staff member/volunteer should try to provide the following information on their report to the panel:

- the name, address and age of any child you are concerned about.
- the nature of any injury.
- any need for medical attention.
- your reason for suspicion of abuse.
- details of what you have done already and who you have told.
- any practical information you may have, such as the name of the child's GP, school, etc.
- information as to whether or not the person, against whom a suspicion, complaint or allegation exists, has any children of his/her own.

It is the role of the panel to receive child protection and welfare concerns from bishops/clergy/staff/volunteers, to report concerns which meet the threshold of 'reasonable grounds for concern' to Tusla and to provide support to staff/volunteers who report concerns about a child



(see diagram on page 9). On receipt of a concern, the panel member, in consultation with the other panel members, will consider if reasonable grounds for concern (see above) exist or the mandated threshold is met (see mandated reporting below). The panel should also check their records to see if a concern has previously been reported to them in relation to this child/family and the alleged abuser and if so, also consider the information contained on their records in conjunction with the current concern being reported.

In considering if a concern meets reasonable grounds for the concern or the mandated threshold, the panel shall undertake the following:

1. One member of the panel shall contact Tusla to informally discuss the concern. This provides an opportunity to discuss the query in general (without identifying details) and to seek advice as to whether a formal report of the concern to Tusla is appropriate at this stage. If the concern is below the threshold for reasonable grounds for concern, Tusla may be able to provide advice in terms of keeping an eye on the child and other services that may be more suitable to meet the needs of the child and/or family. A written record of any advice received from Tusla should be kept, which should identify the advice given, the date and the person from Tusla from whom advice was received.
2. If, following consultation with Tusla, the panel determines that reasonable grounds for concern exist the panel will agree for one member of the panel to formally report the concern to the Tusla duty social worker (*see <https://www.tusla.ie/children-first/contact/>*) or if the panel determines that the mandated threshold is met, the incumbent as a mandated person will formally report the concern to the Tusla duty social worker. As much information as possible should be provided to Tusla on the Child Protection and Welfare Report form *https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf* (a copy of this report should be kept on the panel files). This allows the social workers to check their records to see if the child or family have had previous contact with child protection services, to prioritise cases for attention and to decide if another service would be more appropriate to help meet the needs of the child.
3. If, following consultation with Tusla, the panel decide not to make a formal report the following steps should be taken:
 - The reasons for not reporting are recorded;
 - If any actions are taken as a result of the concern, these should be recorded;
 - The bishop, clergy, staff or volunteer who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla;
 - The bishop, clergy, staff or volunteer should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána.

The bishop, clergy, staff or volunteer who raised the concern should also be reassured that if they do choose to further pursue the matter, they are covered by the Protection for Persons Reporting Child Abuse Act 1998.¹⁰ The 1998 Act provides that a person who, would otherwise be liable in damages in respect of a communication by him or her to an appropriate person of his or her opinion that

¹⁰ Child Safeguarding: A Guide for Policy, Procedure and Practice (2018, Tusla) Pg.32



child has been or is being assaulted, ill-treated, neglected or sexually abused, or that a child's health, development or welfare has been or is being avoidably impaired or neglected, shall not be liable unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.

The panel needs to consider whether they should discuss the concern about the child with their parents/guardians before submitting a formal report to Tusla. In some circumstances, it is best practice to inform parent/guardians that the panel is reporting a concern about a child, however, parents/guardians do not need to be informed that a report is being made if by doing so the child will be placed a further risk or if the family's knowledge of the report could impair Tusla's ability to carry out an assessment. Also, it is not necessary to inform the family if the panel reasonably believe it may place them, or the bishop/clergy/staff member/volunteer who raised the concern, at risk of harm from the family. Advice should be sought from Tusla if the panel is unsure whether to discuss the concern with parents/guardians before making a formal report. The panel members should consider which of them are the most appropriate person to talk to parents/guardians. A written record should be kept of any conversations between the panel and the parents/guardians in relation to the concern.

In a situation where a bishop/clergy/staff member/volunteer and the panel feel that a child is in immediate danger and Tusla cannot be contacted, a panel member should make a report to the Gardaí without delay. Where it is not possible to contact a panel member in this situation or there is not sufficient time to contact the panel due to the urgency of the imminent danger, the bishop/clergy/staff member/volunteer should contact the Gardaí immediately and thereafter inform the panel of the report made to the Gardaí. A written record should be kept of this report.

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 offence¹¹ against a child, which may result in charges or prosecution, must report this to An Garda Síochána as soon as is practicable. 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. The 2012 Act is a complex piece of legislation and if doubts arise as to whether or not a disclosure should be made to An Garda Síochána in addition to Tusla the bishop, clergy, staff member or volunteer should discuss this with the panel and, if necessary, legal advice can be obtained. Where a bishop, clergy, staff member or volunteer receive a disclosure or have information which triggers the mandatory reporting obligation under the 2012 Act, they themselves are personally responsible for ensuring that they report same to An Garda Síochána and that obligation is not satisfied by them bringing the matter to the attention of the panel. Further details on the operation of mandatory reporting under the 2012 Act are set out in the mandatory reporting section.

Following the making a formal report to Tusla, the panel should nominate one member of the panel to contact the Child Protection Officer and the bishop of the diocese (within 24 hours or the next working day) and advise them of the disclosure, allegation, or concern and inform them that a report has been made to Tusla. Records should be kept of any actions or attempted actions taken.

¹¹ In general terms, they are more serious offences, including murder, manslaughter, rape and a large number of sexual offences. However, some relatively less serious offences such as reckless endangerment of children, assault and threats to cause serious harm are also included. Please consult Schedule 1 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 if you are in any doubt as to whether or not a specific offence is captured.

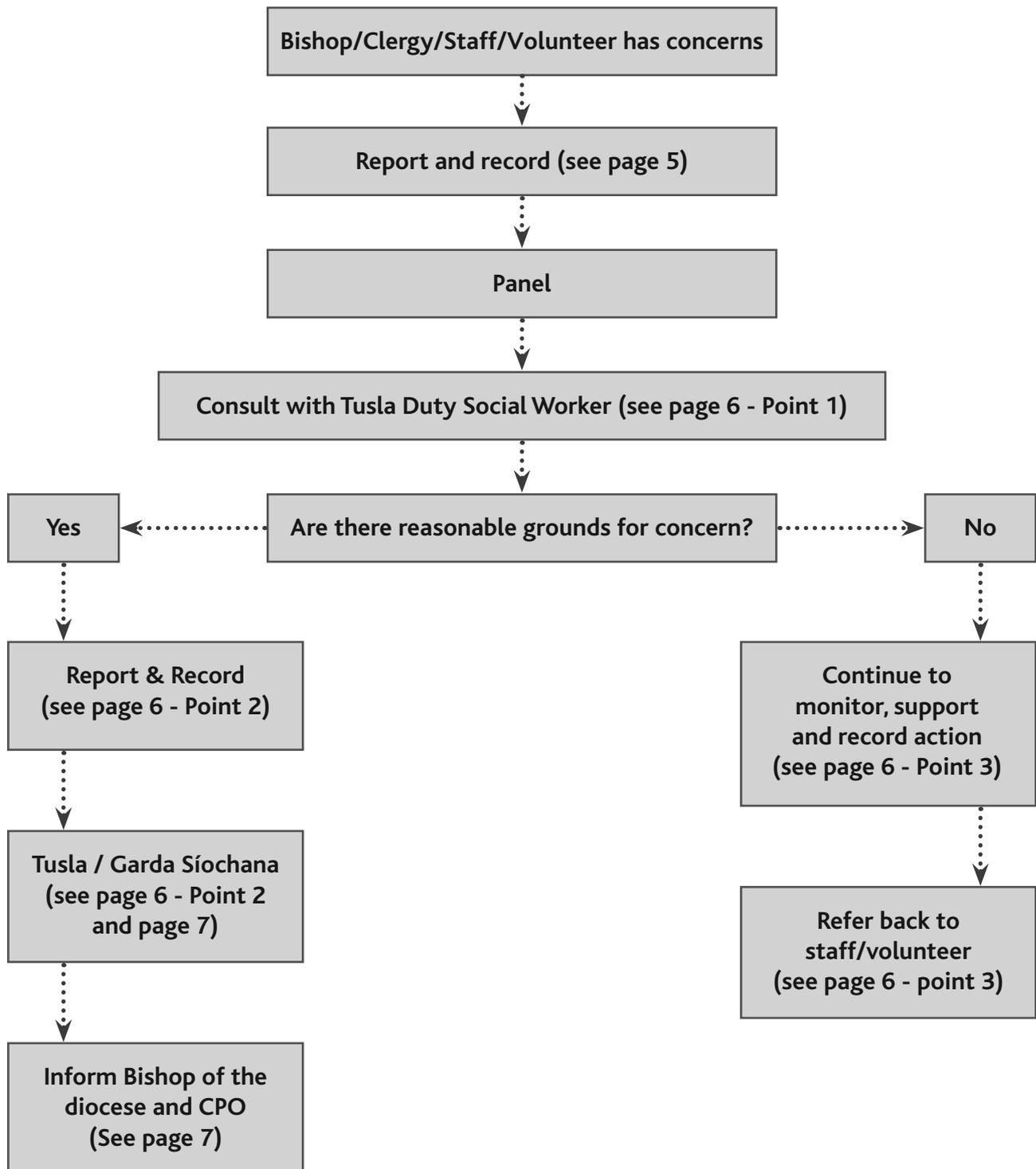


All concerns should be recorded and reported to the panel, no matter how insignificant they may seem, whether they relate to situations internal or external to the parish. For instance, concerns connected to a family or school situation should be dealt with appropriately as well as concerns related to the parish/diocese or group.

Where a child protection and welfare concern arises, information must be shared on a 'need to know' basis in the best interest of the child with the relevant statutory authorities and with parents/guardians. The matter should not be discussed with anyone outside of those outlined in the reporting procedures above.



SUMMARY DIAGRAM OF REPORTING PROCEDURES



NB - Bishop/Clergy/Staff member/volunteer may also need to report to Gardaí under the 2012 Act. (See page 7)



MANDATED REPORTING AND ASSISTING

(i) Children First Act 2015

Mandated persons¹² are required under the Children First Act 2015 to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed and to report any disclosures of harm made by a child. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances.

The threshold of harm, at which a mandated person must report to Tusla under the Children First Act 2015, is reached when a mandated person knows, believes or has reasonable grounds to suspect that a child has been, is being or is at risk of being ill-treated, assaulted or neglected to the point where the child's health, development have been or are being seriously affected, or are likely to be seriously affected or has been, is being or is at risk of being sexually abused.

Where a mandated person has a concern that they believe meets the threshold for a mandated report, they should report the matter to the panel and a joint mandated report be made to Tusla by the mandated person and the panel as per the reporting procedures set out above but indicate on the Child Protection and Welfare Report form to Tusla that it is a mandated report. The panel cannot make the report independently of the mandated person as the mandated person must discharge their duty under the Children First Act 2015, the report can be made jointly to allow everyone discharge their duty. (see diagram on page 49)

Where a mandated person has a concern that they believe does not reach the threshold for a mandated report, they should report that concern to the panel to allow them to consider whether the concerns meet the reasonable grounds for concern and a non-mandated report needs to be made to Tusla in line with the above reporting procedures. Therefore, any concern of child abuse or neglect, regardless of threshold, should be reported to the panel.

Under the Children First Act 2015 there is also a statutory requirement for mandated person to assist Tusla in the assessment of risk of mandated reports, where requested to do so. Where such a request is received, the mandated person must provide such assistance as is required. Tusla accepts the time limitations and pressures on other professionals and will use mandated assisting only when necessary and only to the extent needed in each specific case

The legal obligation to report as a mandated person under the Children First Act 2015 applies only to information that mandated persons acquire in the course of their professional work or employment. It does not apply to information they acquire outside of work, during a voluntary role, or information given to them on the basis of a personal rather than a professional relationship.

(ii) Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

The Criminal Justice (Withholding of Information On Offences Against Children and Vulnerable Persons) Act 2012 ("the 2012 Act") incorporates additional mandatory reporting where a person knows or believes that a 'scheduled' offence¹³ has been committed against a child and they have

¹² Children First Act 2015 – Schedule 2

¹³ These are the specific offences, including murder, manslaughter, rape and a large number of sexual offences. However, some relatively less serious offences such as reckless endangerment of children, assault and threats to cause serious harm are also included. Please consult the 2012 Act itself or the panel for further information.



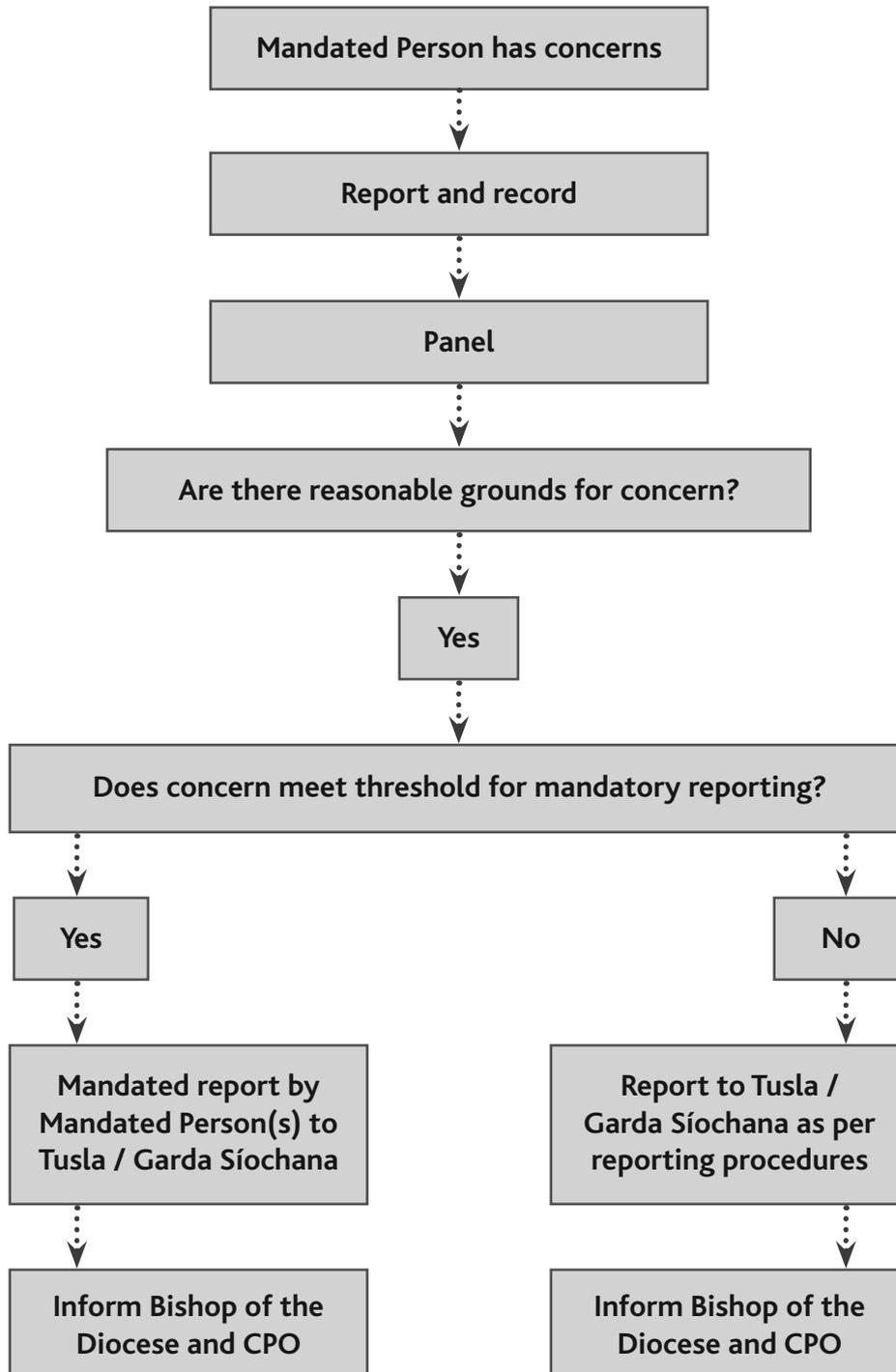
information on that offence which would assist prosecution. Where a bishop, clergy, staff member or volunteer has such information it must be reported to Gardaí. Clearly, therefore, the reporting obligation under the 2012 Act is reporting to the Gardaí, not TUSLA and this reporting obligation is separate to and over and above the reporting obligations under the Children First Act 2015 which are outlined above. Therefore, dual reporting will arise in respect of matters captured by both the Children First Act and the 2012 Act. Breach of the 2012 Act is an offence, and potentially carries custodial sentences of up to 10 years imprisonment in the most extreme cases.

The legal obligation to report under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 applies to any information which comes to a bishop, clergy, staff member or volunteer's attention in any context and that bishop, clergy, staff member or volunteer is responsible for reporting the information to Gardaí. However, if a bishop, clergy, staff member or volunteer require guidance on this issue or if the bishop, clergy, staff member or volunteer are in doubt as to whether a mandatory report is required under the 2102 Act, please consult with the panel.



SUMMARY DIAGRAM OF MANDATED REPORTING PROCEDURES

(see page 10 & 11)



NB - Bishop/Clergy/Staff member/volunteer may also need to report to Gardaí under the 2012 Act.



EXEMPTIONS FROM REQUIREMENTS TO REPORT

Underage Consensual Sexual Activity¹⁴

Under the Criminal Law (Sexual Offences) Act 2006, the legal age of consent is 17 years. While a sexual relationship where one or both parties are under 17 years of age is illegal, when making a report to Tusla, it might not be regarded as child sexual abuse.

There are certain exemptions from reporting underage consensual sexual activity. If a mandated person or panel is satisfied that **all** of the following criteria are met, the mandated person or panel is not required to make a report to Tusla:

- The young persons concerned are between 15 and 17 years old.
- The age difference between them is not more than 24 months.
- There is no material difference in their maturity or capacity to consent.
- The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person.
- The young person states clearly that they do not want any information about the activity to be disclosed to Tusla.

In effect, this means that if **all** of the above criteria are met, a mandated person or panel do not have to report consensual sexual activity between older teenagers as sexual abuse to Tusla. However, all persons must uphold the key principle that the welfare of the child is paramount and if a mandated person or panel have any concerns, even where all the above criteria are met, a report should be made to Tusla/An Garda Síochána.

Consideration should be given by bishop, clergy, staff, volunteers and panel as to whether it is in the child's best interest to inform parents of the consensual sexual activity, even if a report is not being made to Tusla/An Garda Síochána.

Information acquired as mandated person¹⁵

A mandated person shall not be required to make a report to Tusla where the sole basis for the mandated person's knowledge, belief or suspicion is as a result of information he or she has acquired, received or become aware of:

- (a) from;
 - (i) a mandated person, or;
 - (ii) 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.
- (b) pursuant to his or her role in assisting the Tusla with an assessment as to whether a child who is the subject of a report or any other child has been, is being or is at risk of being harmed.

¹⁴ Children First: National Guidance for the Protection and Welfare of Children (2017, Department of Children and Youth Affairs) Pg.23

¹⁵ Children First Act 2015 - Part 3, section 14, subsection 4.



RESPONDING TO ADULTS WHO DISCLOSE CHILDHOOD ABUSE

Some adults may disclose abuse that took place during their childhood. Such disclosures may come to light during the provision of pastoral support or through parish activities. It is recommended that bishops, clergy, staff and volunteers should let adults know that if any child protection issues arise and the alleged perpetrator is identifiable, bishops, clergy, staff and volunteers are obliged to pass the information on to Tusla, as the alleged abuser may pose a current risk to children.

Where a retrospective disclosure is made by an adult, the bishop, clergy, staff member or volunteer or mandated person should report the disclosure to the panel in the same way as if a child made the disclosure. The panel should report the disclosure to Tusla and An Garda Síochána following the above reporting procedures but use the Retrospective Abuse Report form https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf.

If a bishop/clergy/staff member/volunteer/mandated person is unsure whether to report a retrospective disclosure, they should contact the panel who can consult with Tusla and seek advice as to whether a report should be made.

Retrospective reports will be assessed by Tusla to establish whether or not any child is currently at risk from the individual in question. If there are ongoing child protection concerns, Tusla will take necessary actions to ensure any child that may be at risk of harm is protected.

If the adult concerned does not feel able to participate in any investigation, Tusla may be seriously constrained in their ability to respond to the retrospective allegation.

PEER ABUSE

In a situation where abuse is alleged to have been carried out by another child, it should be considered a child welfare and protection issue for both children and be reported to Tusla for both children (the victim and the alleged abuser) following the reporting procedures (see above).

WHAT HAPPENS AFTER A REPORT IS MADE TO TUSLA¹⁶

Tusla has the statutory responsibility to assess all reports of child welfare and protection concerns. On receipt of a report of concern, Tusla's first consideration is the immediate safety of the child. Tusla social workers receiving reports of a concern treat all child welfare and protection concerns seriously, whatever the source. Reports of concern are reviewed by Tusla to decide whether they are the appropriate to Tusla's welfare and protection services and, if so, what intervention is appropriate to meet the needs of the child and their family.

If the concern is 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.

When a report is received, a Tusla social worker will check to see if there is a record of any previous contact with the child's family. They may also contact other professionals (such as the general

¹⁶ Children First: National Guidance for the Protection and Welfare of Children (2017, Department of Children and Youth Affairs) Pg.15



practitioner, teacher, public health nurse, speech and language therapist, child care worker, family support worker, psychologist) to see if they have any concerns about this child. The aim of this process is to help the social worker understand the child's history and circumstances, identify unmet needs, and determine if there is a risk of harm to the child. This will allow the social worker to decide on the most appropriate response.

If no child welfare or protection concern is found, then the information gathered is recorded and kept on a confidential file. This file can be reviewed by Tusla social workers if further concerns arise or more information comes to light. If concerns are found after the initial checks, further evaluation involving an assessment of all aspects of the child and family's circumstances will follow to identify any necessary interventions. Depending on the level of need or risk of abuse identified, an intervention will generally take the form of family support services or formal social work intervention.

If a panel member makes a report about a child, Tusla will normally acknowledge it, and may contact the panel member and through them the bishop/clergy/staff member/volunteer who raised the concern for further information, if necessary. It is understandable that panel members and bishops and clergy and staff and volunteers would like to be assured that the matter is being followed up. However, to protect the privacy of the child and the family, it may not be possible for Tusla to inform the panel of the progress or outcome of Tusla's contact with the child or family, unless the panel is involved in discussions around family support or child protection plans. If the bishop/clergy/staff/volunteer or panel continue to have concerns about the child, or if additional information comes to light, it should be passed on to Tusla following the reporting procedures (see above).

RESPONDING TO ALLEGATION OF ABUSE AGAINST STAFF AND VOLUNTEERS¹⁷

An allegation of abuse may relate to a person who works with children who has:

- Behaved in a way that has or may have harmed a child;
- Possibly committed a criminal offence in relation to a child;
- Behaved towards a child or children in a way that indicates they may pose a risk or harm to a child;
- Behaved in a way that is contrary to the code of behaviour for staff and volunteers set out in section (*see Part 4 - Code of Behaviour*);
- Behaved in a way that is contrary to professional practice guidelines.

If an allegation is made against a staff member or volunteer, there is dual responsibility in respect of both the child and the staff member/volunteer. (*see diagram on page 18*) There are two separate procedures to be followed:

- The reporting procedures to Tusla in respect of the child and the alleged abuser;
- The internal personnel procedures for dealing with the staff member/volunteer.

On receipt of an allegation against a staff member/volunteer, the panel shall follow the reporting procedures laid out above and if making a formal report to Tusla advise them that the report is in

¹⁷ Child Safeguarding: A Guide for Policy, Procedure and Practice (2018, Tusla) Pg. 37



relation to a staff member/volunteer in the parish/diocese/ organisation. This will allow Tusla to apply the necessary policies and procedures in relation to allegations against staff or volunteers in organisations. In addition, the parish panel shall advise the diocesan panel that an allegation has been made against a staff member or volunteer. The diocesan panel shall undertake the internal personnel procedure.

The first priority is to ensure that no child is exposed to unnecessary risk. The diocesan panel should as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk and should not unreasonably penalise the staff member/volunteer, financially or otherwise, unless necessary to protect children. Where protective measures may adversely impact the staff member/volunteer, it is important that early consideration be given to the case. It is very important that any protective measures taken are intended to be precautionary and not disciplinary. The protective measures are an interim measure pending the statutory authorities' consideration of the matter.

Any action taken should be guided by agreed procedures, and any applicable employment contract or volunteer arrangement and the rules of natural justice. It is not possible in these guidelines to deal with every scenario as conditions of employment can vary greatly from staff member to staff member as can the terms under which volunteers participate in Church activities. **Legal advice should be sought by the diocesan panel as quickly as possible to ensure that, if applicable employment law procedures and natural justice principles are correctly followed. Parish insurers should be advised of any issue of alleged abuse by staff or volunteers.**

The diocesan panel should privately inform the staff/volunteer of the following:

- the fact that an allegation has been made against him or her;
- the nature of the allegation;
- if applicable, the fact that the allegation will be brought to the attention of Tusla and/or An Garda Síochána.

The staff/volunteer should be afforded an opportunity to respond. The diocesan panel should note the response and pass on this information if making a formal report to Tusla and/or An Garda Síochána. The staff/volunteer should be offered the option of have representation at this stage and should be informed that any response may be shared with Tusla and/or An Garda Síochána.

At this stage it is important to stress that the staff member or volunteer against whom an allegation has been made, and his/her family, will require pastoral care, as will any alleged victims and their families. It is preferable for a different member of clergy to provide support to the alleged perpetrator.

The diocesan panel should take care to ensure that actions taken by them do not undermine or frustrate any investigations/ assessments conducted by Tusla or An Garda Síochána. To this end it is strongly recommended that the diocesan panel maintain a close liaison with the statutory authorities to ensure this.

The bishop of the diocese, in consultation with the parish and diocesan panels, should take all necessary steps to ensure that parish activities can be carried on with a minimum of disruption. The Child Protection Officer is available for advice and support and **must** be briefed regularly as any child protection issue develops.



The requirements of fair procedure and natural justice mean that Tusla usually will not share the details of any assessment regarding allegations of abuse against a staff member/volunteer until the staff member/volunteer has had the opportunity to fully respond to the allegation and any findings and decisions of Tusla.¹⁸

The parish and diocesan panels should be notified of the outcome of an investigation and/or assessment by Tusla and/or An Garda Síochána. This will assist them in reaching a decision about the action to be taken in the longer term concerning the staff/volunteer.

In a situation where the statutory investigation does not lead to prosecution or conviction, the Church will conduct an internal review of the issue at the end of any statutory investigation. The individual must be re-vetted as part of this internal review. This will require that a review board is convened to examine the issue, conduct a risk assessment of the person returning to their position and to meet with the individual against whom the allegation was made. The individual will have the right to have advance notice of the meeting and a precis of the matters to be discussed, to be accompanied to the meeting and to make representations and will have the right to appeal the decision of the review board to the bishop of the diocese.

The review board will prepare a report for the bishop of the diocese with recommendations in relation to the individual's suitability to return to their position, a copy of the report should also be provided to the individual. The bishop of the diocese shall accept the recommendations set out in the report unless they have good and sufficient reason for not accepting them which were not known to the review board. If the bishop of the diocese proposes to decline the recommendations of the review board for those reasons in a manner which will adversely impact the individual, the individual will be provided notice of this and an opportunity to make representations on this prior to a final decision being made. The bishop of the diocese shall revert to the review board with the reasons for not accepting these recommendations and allow them to consider same. The decision of the bishop of the diocese as to whether to reinstate a staff member or volunteer shall be final.

The bishop of the diocese shall determine the membership of the review board which should include a senior person from the diocese and someone with knowledge and experience of child protection and safeguarding issues.

If an individual has any concerns about a person in a position of trust in the Church and feel unable to use the above procedure for dealing with an allegation against staff or volunteers, they should in the first instance contact the Child Protection Officer. If the individual feels unable to contact the Child Protection Officer or the allegation involves this person, an incumbent, a member of the clergy or a member of the panel, they should contact the bishop of the diocese, or in their absence, to the bishop's commissary or those appointed in accordance with Chapter VI of The Constitution of Church of Ireland who will follow the above procedures.

If an allegation involves the bishop of a diocese the matter should be referred directly to the Child Protection Officer and Chief Officer in Church House, who shall deal with the reporting procedures in relation to the child, and to the archbishop of the province or in his or her absence the archbishop of the other province who will follow the internal personnel procedures in relation to the bishop. In the case of an allegation against an archbishop, the report should be made to the archbishop of the other province or, in his or her absence, the next most senior bishop who will follow the internal personnel procedures. In these situations, the identified persons will operate the above procedures.

¹⁸ Child Safeguarding: A Guide for Policy, Procedure and Practice (2018, Tusla) Pg.39

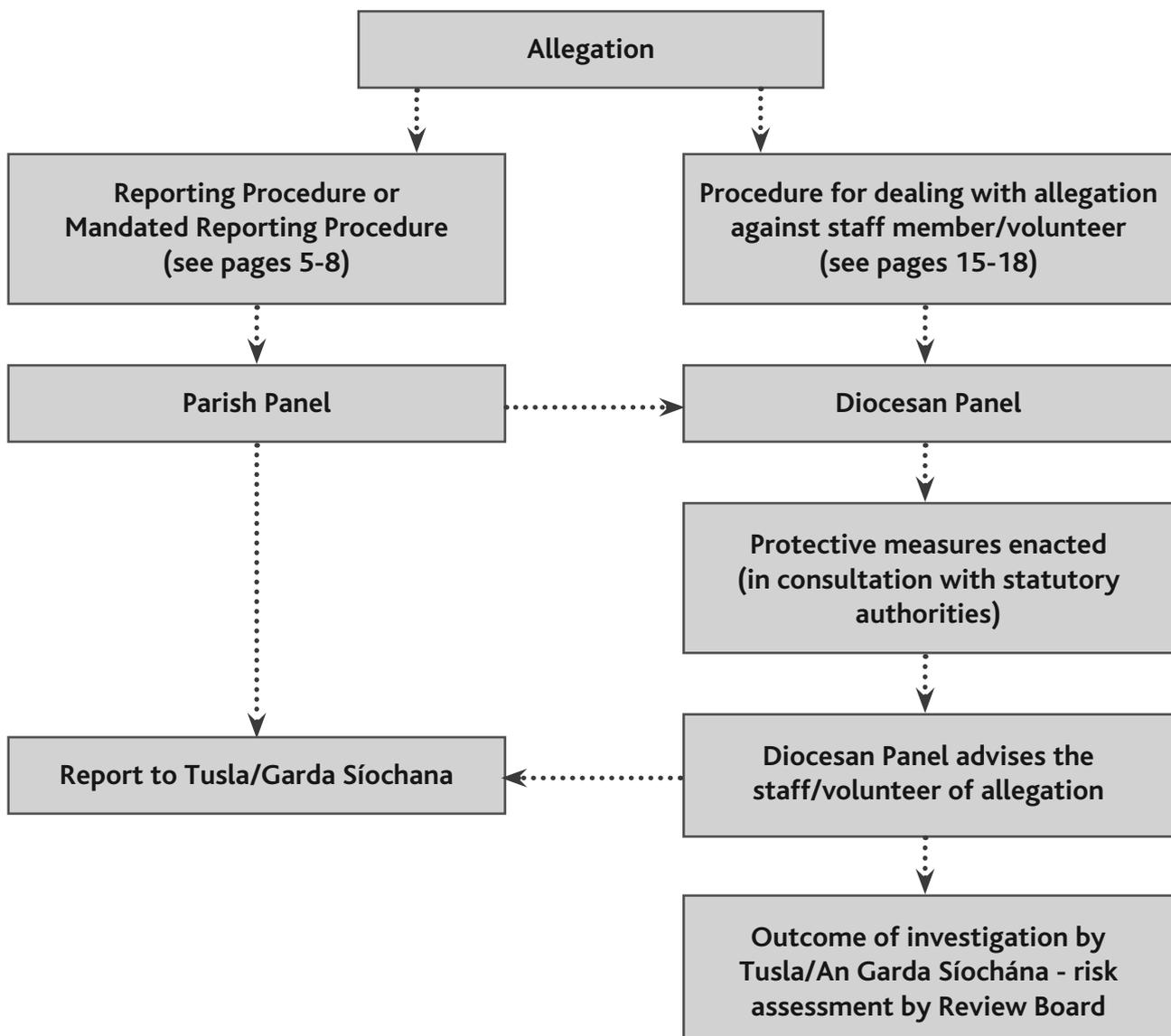


In addition to this every individual has the right to contact Tusla Social Workers and/or An Garda Síochána directly.

Bishop, clergy, staff and volunteers may find it difficult to speak out and raise concerns as they may feel they are being disloyal to their colleagues or to the church. They may also fear harassment or victimisation. The Church of Ireland is committed to supporting bishops, clergy, staff and volunteers to act responsibly and ensure that bishops, clergy, staff and volunteers can report any concerns in confidence.

Bishops, clergy, staff and volunteers should be reassured that if they raise a bona fide concern, which through the process of investigation is not validated, this does not mean that their decision to raise that concern was not justified.

SUMMARY DIAGRAM OF REPORTING PROCEDURE WHEN DEALING WITH AN ALLEGATION AGAINST A STAFF MEMBER OR VOLUNTEER





MANAGEMENT OF SEX OFFENDERS IN CHURCH

Research has indicated that a significant number of individuals who have convictions for sexual offences against children, return to church.

If someone who has a conviction for a sexual offence against a child wishes to attend worship in a church setting, they are required to inform their Probation officer and Garda Liaison Officer.

The Child Protection Officer maintains a professional working partnership with the above authorities to safeguard children from harm.

If the issue of someone who has a conviction for a sexual offence against a child wishing to attend worship in a church setting arises in practice, the Child Protection Officer, the incumbent and the panel will discuss and decide on the action to be taken as a result. If any other person becomes aware of such an issue arising or potentially arising, they should bring that to the attention of the Child Protection Officer.

The Child Protection Officer, incumbent, Panel of the one part and the convicted sex offender of the other part may enter into a management arrangement in order to regulate the sex offender's return to church activities. This will be considered on a case by case basis.