

October 2023



Mandatory Reporting Policy

Revision v2.1

Issued: Sep 2023

Revision	Nature of change	Approval	Date
1.0	First issue	JL	2021
2.0	Annual review	JL/GK	20/12/22
2.1	High Court Ruling -Update	LB/GK	22/09/2023

Contents

1. Introduction and Scope.....	3
1.1 Purpose of the Policy	3
1.2 General Principles Governing this, Policy.....	3
2. Responsibilities	4
2.1 General.....	4
2.2 Garda Vetting	4
2.3 Training and Informing Lecturers, Group Supervisors, Employees and Trainee Therapists.....	4
2.4 Placement of Students in Third Party Organisations	4
2.5 Best Practice for Contact with Children	5
2.6 Research with Children	6
2.7 Duty to Report	6
3. Reporting Framework	6
4. Designated Liaison Person Role and Appointment.....	10

6. Useful Contacts 11

1. Introduction and Scope

1.1 Purpose of the Policy

This policy is informed and guided by Children First, The National Guidance for the Protection and Welfare of Children (2017). This Guidance is a primary reference for **all citizens to report concerns and includes the new legislative obligations**. It clarifies the legislation and the existing non-statutory obligations that will continue to operate for all sectors of society.

PCI College has adopted this policy to ensure best practice in Child/Vulnerable Adult Protection within the College and related teaching and placement venues. The policy also aims to inform Employees, Lecturers, Group Supervisors and Trainee Therapists who have contact with children or who come across information that meets a certain threshold of risk to the welfare of children of their obligations to recognise Child Protection and Welfare concerns and to respond appropriately.

This policy is intended to ensure compliance with the Children First Act 2015 and is based on Children First: National Guidance for the Protection and Welfare of Children 2017. Trainee Therapists, Group Supervisors and Lecturers may encounter information (current or historical) that meets the threshold for mandated reporting, and this policy is intended to provide Guidance for those situations, where appropriate. Trainee Therapists in PCI College may meet children through activities related to their learning with the College, such as through research or placements.

1.2 General Principles Governing this, Policy.

- A child is a person under the age of 18, excluding a person who is or has been married.
- The protection of children is of paramount importance, regardless of all other considerations.

- Children should be protected, treated with respect, listened to, and have their own views taken into consideration.
- Employees, Lecturers, Group Supervisors and Trainee Therapists of PCI College have a duty to raise concerns about the behaviour of others which may be harmful to children.
- TUSLA should be informed without delay when there are reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.
- Best practices should be adopted to minimise the possibility of harm or accidents happening to children.
- This policy is not intended to replace the existing structures or policies within the PCI College but rather to complement them.

2. Responsibilities

2.1 General

It is the responsibility of PCI College to implement this policy, appoint a Designated Liaison Person and generally ensure the promotion of the protection of children within PCI College.

2.2 Garda Vetting

Garda vetting is part of PCI College's recruitment process. Garda vetting is also required for students on any PCI College programmes that require students to undertake activities that will bring them into contact with children or vulnerable adults. The PCI College Garda Vetting Policy can be found in Section 10 of the [Support for Learners Policy](#).

2.3 Training and Informing Lecturers, Group Supervisors, Employees and Trainee Therapists

This Mandatory Reporting Policy will be available to all Lecturers, Group Supervisors, Employees and Trainee Therapists via the PCI College Website. Staff and lecturers must confirm they have read and understood the policy upon employment. Students will be required to verify that they have read the policy within their course acceptance Terms and Conditions.

The Designated Liaison Person will be required to attend specialised training in the area and keep up to date. Any employees or Trainee Therapists who have contact with children as part of research, placement activities, or any other occupational activities will also be required to undertake further training in the area.

2.4 Placement of Students in Third Party Organisations

Some programmes (e.g., The MSc in Child & Adolescent Psychotherapy) may require students to have contact with children in their placement with other organisations for education and training purposes. Any agreement or arrangement made by PCI College for the placement of students in settings where they might encounter children as part of their formal education must be subject to the following requirements:

- The organisation providing the placement has full responsibility for ensuring that appropriate child protection policies and practices complying with national guidelines are in place
- The organisation will notify the PCI College DLP (Designated Liaison Person) and Clinical Manager of any complaints of which the organisation is aware made against a student in PCI College concerning child welfare issues.

In addition, students in this situation will have the responsibility to:

- Familiarise themselves with the Mandatory Reporting Policy of PCI College and that of the organisation where they are being placed.
- Comply with all National Vetting Bureau policy requirements of PCI College and those of the organisation where they are being placed.
- Undertake the initial e-learning provided by TUSLA (TUSLA Children First Mandated Person: Role and Responsibilities available at the following link [Children First: Mandated Person Role and Responsibilities - Overview | Rise 360 \(articulate.com\)](#)) before starting placement and stay up to date with relevant training including that pertinent to Mandated Persons.

The Clinical Manager's responsibility is to ensure that all students have completed this e-learning in advance of commencing placement, and the e-learning cert must be submitted as proof of completion in advance of commencing placement.

Students on this programme will be grounded in best practice, legal and ethical frameworks for working with under 18s and will therefore be operating from the following principles at a minimum:

2.5 Best Practice for Contact with Children

- Be visible when working with children whenever possible.
- Treat all children equally and with respect and dignity.
- Listen to what children say and involve them in decision-making where appropriate.
- Provide encouragement, support, and praise.
- Adopt the safest possible practices to minimise the possibility of harm or accidents happening to children.
- Demonstrate exemplary behaviour in the presence of children.
- Never use physical punishment.
- Never make unnecessary physical contact with a child.
- Never exchange personal details with a child, such as phone numbers, e-mail, Facebook, Twitter, Snapchat, Instagram, or other social media accounts.
- Always refer child abuse/ neglect, welfare, and safety issues to the Designated Liaison Person and/or relevant authority e.g., TUSLA, Gardaí etc.

Students on the BSc (Hons) Counselling and Psychotherapy programme who are on placement are not permitted to work with those under 18. However, when working with adults within a therapy placement, students may become aware of child protection risks that come under the Mandatory Reporting criteria under the Children First Act (2015). In these cases, they should contact the organisation's DLP.

Certain professionals who may not work directly with children, such as those in adult counselling or psychiatry, Trainee Therapist, Lecturers, and Group Supervisors are also mandated persons.

It is essential that Trainee Therapists have access to a Designated Liaison Person in their placement organisation from whom to receive support on this serious matter.

If a Trainee Therapist has a suspicion or concern about child protection issues while on a placement, then the Trainee Therapist should follow the procedures in relation to reporting concerns on child protection issues in the organisation where the placement is taking place, including contacting the DLP (Designated Liaison Person) of the organisation. However, if the Trainee Therapist is unclear about the procedure or requires further guidance, they should contact the PCI College Clinical Manager for advice.

The Clinical Manager should assist the Trainee Therapist in following the procedures in the Placement Organisation in the first instance. However, if the situation involves immediate risk of harm to a child or the situation is not resolved in the organisation to the satisfaction of the Trainee Therapist, the Clinical Manager should guide the Trainee Therapist to the appropriate reporting mechanisms (via PCI DLP) or make a report to TUSLA or An Garda Síochána his/herself, as appropriate.

2.6 Research with Children

Research involving children must be approved in advance by PCI College's Research and Ethics Committee. Guidance on undertaking research with children is provided in the recently published Department of Children and Youth Affairs Ethical Review and Children's Research in Ireland ([Ethical Review Childrens Res.pdf \(lenus.ie\)](#)) and in the associated guidance document "Guidance for developing ethical research projects involving children" ([Guidance for developing ethical research projects involving children \(lenus.ie\)](#)) Research involving children must comply with the above documents (as updated, replaced and/or amended from time to time).

2.7 Duty to Report

Lecturers, Group Supervisors and Trainee Therapists must be alert to the possibility that adult learners and clients with whom they work could be victims of historical/retrospective abuse (physical, emotional, sexual, neglect).

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 the child being abused.
- An account from an adult survivor (in this case an adult learner or adult client) of childhood abuse.

All Employees, Lecturers, Group Supervisors and Trainee Therapists must discuss any concerns with the Designated Liaison Person. If the Designated Liaison Person or their Deputy is unavailable, Employees, Lecturers, Group Supervisors, and Trainee Therapists should report reasonable concerns directly to TUSLA, or if the child is in immediate danger, to An Garda Síochána.

3. Reporting Framework

3.1 Making a Report to the Designated Liaison Person

Any Employee, Lecturer, Group Supervisor or Trainee Therapist who suspects child abuse/ neglect or has come across information about historic/ retrospective abuse through their work, placement or research should contact the Designated Liaison Person at DLP@pcicollege.ie who will collaboratively complete a mandatory report form on your behalf.

Such a report should contain the following:

1. Details of the child and the suspected abuse.
2. Enough information to establish the basis of the concerns.

- An accurate record of their observations and/or the conversation with the adult client, child, or other person (if any).
3. The Designated Liaison Person will assess all such reports. The role of the Designated Liaison Person is not to investigate or interview relevant parties but to assess whether the information available demonstrates a reasonable concern of abuse or neglect. Once the Designated Liaison Person is satisfied that a report meets the required threshold, they will report it to TUSLA without delay. In those cases where the Designated Liaison Person decides not to report concerns to TUSLA or An Garda Síochána, the employee or Trainee Therapist who raised the concerns should be given a clear written statement of why the Designated Liaison Person is not taking such action.

The Employee, Lecturer, Group Supervisor or Trainee Therapist should be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, TUSLA or An Garda Síochána.

The Designated Liaison Person should record the full details of all concerns or allegations of child abuse/neglect brought to his or her attention and the actions taken in relation to a concern or allegation of child abuse/ neglect.

3.2 Making a Report to TUSLA

3.2.1 When a report should be made.

The Designated Liaison Person must report to TUSLA as soon as possible if they know, believe, or has reasonable grounds to suspect, based on information they have received, acquired, or become aware of in the course of their employment, that a child has been, is being or is likely to be harmed. A report must also be made where a child has disclosed to the Designated Liaison Person that the child believes they have been, is being or is likely to be harmed. Harm is defined here as follows:

1. 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

2. Sexual abuse of the child. A Designated Liaison Person should also report to TUSLA if he or she has a reasonable concern that a child may have been, is being or is at risk of being abused or neglected.

Where the Designated Liaison Person remains uncertain, they should contact TUSLA for informal advice relating to the allegation, concern, or disclosure.

N.B. As per the 2022 McGrath V's the HSE court ruling: Section 14(1)(a) of the Children's First 2015 Act properly construed requires that mandated persons notify TUSLA where an adult discloses past harm suffered as a child, where that harm falls within the definition of harm set out in section 2 of the 2015 Act. Section 14(1)(a) does not require the consent of the person who has been harmed in advance of the report being made to TUSLA by a mandated person.

3.2.2 Making a Report

All reports made by the Designated Liaison Person to TUSLA should be on the Child Protection and Welfare Form ([Child Protection and Welfare Report Form FINAL.pdf \(tusla.ie\)](#)) or in the case of

historic abuse, on a Retrospective Abuse form ([Retrospective Abuse Report Form FINAL.pdf \(tusla.ie\)](#)) and contain all necessary information, unless the risk is immediate requiring the report to be made without delay.

In making a report on suspected actual child abuse/neglect, the Designated Liaison Person must ensure that the priority is always for the safety and welfare of the child and that no child is ever left in a situation that could place the child/young person in immediate danger. If there is a serious and imminent risk to the child and it is not possible to contact TUSLA, the Designated Liaison Person should report it to An Garda Síochána.

3.2.3 Other Obligations when Making a Report

Where the Designated Liaison Person is making a report to TUSLA, they should, in line with best practise inform the child's family regarding the concern and the report. However, under the court ruling McGrath -v- HSE 2022 where that harm falls within the definition of harm set out in section 2 of the 2015 Act. Section 14(1)(a) does not require the consent of the person who has been harmed in advance of the report being made to TUSLA by a mandated person.

It is not the role of the Designated Liaison Person to investigate whether the allegations or complaints are valid. This investigation is the responsibility of TUSLA and A Garda Síochána.

3.2.4 Allegations of Child Abuse/Neglect against an Employee, Lecturer, Group Supervisor or Trainee Therapist

When an allegation of child abuse/ neglect arises in relation to an Employee, Lecturer, Group Supervisor or Trainee Therapist, PCI College holds a dual responsibility in its duty of care in:

A) Safeguarding children: This must always take priority. PCI College will ensure that all appropriate steps, as outlined in the above section 3, are followed in relation to reporting suspected child abuse/ neglect to the civil and (as necessary) criminal authorities and do what is within its power to ensure that no child continues to be exposed to the risk of being abused.

B) Dealing with the person accused: In case of any allegation of child abuse/neglect made against an Employee, Lecturer, Group Supervisor or Trainee Therapist, the reporting framework procedures outlined above must first be followed, and the Designated Liaison Person must be informed immediately. Any necessary protective measure should be taken.

PCI College must ensure that proper procedures are followed in relation to the person against whom the complaint has been made, in line with fair procedures, natural justice and a presumption of innocence until the contrary is proven.

In cases where an allegation of child abuse/ neglect is made against a Trainee Therapist in their placement, the issue will also be dealt with in accordance with the procedure outlined in the Placement/Organisation's policy and procedures. The application of these policies is the responsibility of the persons stated therein and is not part of the role of the Designated Liaison Person.

3.2.7 Retrospective Disclosure of Child Abuse/ Neglect by an Adult

If an adult makes a disclosure to a PCI College Employee, Lecturer, Group Supervisor or Trainee Therapist of abuse (physical, emotional, sexual, neglect) suffered during their childhood, irrespective of disclosing any identifying information i.e. the name or location, this in accordance with the court ruling McGrath-v- HSE 2022 must be reported to the Designated Liaison Person.

If a risk is deemed to exist, then the Designated Liaison Person must inform TUSLA and/or An Garda Síochána.

In addition to the reporting requirement, if a PCI College employee or student makes a disclosure of abuse suffered during their childhood, the Designated Liaison Person should ensure they are provided with the contact information for relevant support services.

3.2.8 Disclosure of Child Abuse/Neglect to Employee, Lecturer, Group Supervisor or Trainee Therapist

3.2.9 Disclosure by a Child

A child may make a disclosure of abuse to an Employee, Lecturer, Group Supervisor, or student of PCI College. When a disclosure of abuse or neglect from a child is received, a report must be made to the Designated Liaison Person as soon as possible.

The best practice for dealing with these disclosures is to:

- 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.
- Treat the information confidentially, subject to the requirements of this Guidance and legislation.

3.2.10 Disclosure from Another Person

If a disclosure is made to an Employee, Lecturer, Group Supervisor or Trainee Therapist from PCI College to the effect that there is reasonable suspicion that abuse is alleged to have taken place against a child, the person receiving the disclosure must contact the DLP to make a collaborative report. In advance of making the report you are required to:

- Tell the complainant that there is a procedure in place for dealing with such allegations and that the person responsible will be in contact with them as soon as possible.
- Ensure the information is reported as soon as possible to the Designated Liaison Person.
- Once the information is provided to the Designated Liaison Person, the DLP is then responsible for ensuring that the suspicions or allegations are managed in accordance with the reporting framework.

3.2.11 Persons Reporting Possible Child Abuse/Neglect

The provisions of the Protections for Persons Reporting Child Abuse/ Neglect Act 1998 provide immunity from civil liability to persons who make reports reasonably and in good faith to the HSE or An Garda Síochána.

It is a criminal offence to withhold information about a serious offence against a person under 18 years or a vulnerable person under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

4. Designated Liaison Person Role and Appointment

The Designated Liaison Person will have responsibility for the promotion and implementation of this policy.

This role is described in this section and shall be the Designated Liaison Person for the purposes of the Children First Act 2015.

There will also be a Deputy Designated Liaison Person appointed for times when the Designated Liaison Person is not available.

The role of the Designated Liaison Person is to liaise with outside agencies and to be a resource person for any employee or student who has child protection concerns.

The Designated Liaison Person is responsible for ensuring that reporting procedures within PCI College are followed so that Child Welfare concerns are referred promptly to TUSLA .

The Designated Liaison Person and Deputy Designated Liaison Person will be appointed by the Academic Director. The Designated Liaison Person should be accessible to all Lecturers, Associate Lecturers, Group Supervisors, Employees and Trainee Therapists in the College.

4.1 Responsibilities

The responsibilities of the Designated Liaison Person are:

- To undertake relevant training and keep up to date on Mandatory Reporting Policy and practices.
- To provide support and information to employees and students who are dealing with/have dealt with a child protection concern or disclosure.
- To receive reports of alleged or suspected or actual child abuse/neglect, process these without delay and decide on the appropriate action, in line with the Guidance in previous sections.
- To report suspected child abuse/neglect to TUSLA in appropriate cases.
- To build a working relationship with the Child and Family Agency TUSLA, An Garda Síochána and other agencies, as appropriate.
- To assist TUSLA in assessing a concern, where requested.
- To ensure that supports are put in place for the child, employee, or student in case of allegations being made.
- To liaise with the Academic Director, All Programme Leaders, Clinical Manager as appropriate.
- To ensure that systems are in place for recording and retaining all relevant documentation in relation to child protection issues safely and appropriately in line with the college's GDPR policy.
- To ensure the circulation of this Mandatory Reporting Policy among all Group Supervisors, Lectures, Employees and Trainee Therapists of PCI College, existing and new, and ensure further training is recommended and provided where appropriate.
- To be consulted if any new services or activities involving children are developed and to ensure relevant training and procedures are in place.

October 2023

To review the PCI College Policy and Procedure on Mandatory Reporting every two years and ensure their continued relevance and appropriateness.

5. Confidentiality

5.1 No Guarantee of Secrecy in Matters of Child Abuse/Neglect

A Group Supervisor, Lecturer, Employee or Trainee Therapist should never promise to keep secret any information that is divulged. It should be explained to the child or disclosing adult that this information cannot be kept secret but that only those who need to know to safeguard any child/ren will be told.

5.2 Confidentiality of Information and Data Protection

It is essential in the reporting of any case of alleged or suspected abuse that the principle of confidentiality applies.

The information should only be shared with persons who have a need to know to safeguard a child and the number of people that need to be informed should be kept to a minimum.

It must be noted that the provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

All data in relation to child protection records must comply with Data Protection legislation and must be stored in a safe and confidential manner.

6. Useful Contacts

PCI College Designated Liaison Person (DLP) Georgina Kennedy: email gkennedy@pcicollege.ie or phone +353 1 464 2268 | +44 0 289 099 7852

PCI College Deputy Designated Liaison Person: Louise Brennan: email lbrennan@pcicollege.ie or phone +353 1 464 2268 | **M:** +353 087 7930577

Details for all **Social Work Teams** can be found here: [Contact](#)

[a Social WorkerTusla - Child and Family Agency](#)

Local **Garda Stations** listed here:

[Station Directory - Garda](#)

Emergency: 999/112