

# Overview of the Role of Mandated Person

**The content of this document is based on Children First:  
National Guidance and the Children First Act 2015.**

## Who are mandated persons?

The Children First Act 2015 places a legal obligation on certain people, many of whom are professionals, to report child protection concerns at or above a defined threshold to Tusla - Child and Family Agency. These mandated persons must also assist Tusla in their assessment of child protection concerns about children who have been the subject of a mandated report, if requested to do so.

Mandated persons 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.

## What are the legal obligations of a mandated person?

Mandated persons have two main legal obligations under the Children First Act 2015. These are:

1. To report, suspected or disclosed harm to a child, 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 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 states:

*'...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.'*

## Making a mandated report to Tusla

For detailed guidance on reporting, please see the *Tusla Children First: A Guide for the Reporting of Child Protection and Welfare Concerns*. If your concern does not reach the threshold for mandated reporting, but you feel it is a reasonable concern about the welfare or protection of a child, you should report it to Tusla under the *Children First: National Guidance*.

## Informing the employer or Designated Liaison Person

As part of their child protection reporting procedures or internal human resources (HR) policy, employers may require mandated persons to inform them if a mandated report has been made and to provide a copy of the report. You should be familiar with your employer's procedures and follow them.

**As a mandated person, you should be aware that the legal obligations under the Children First Act 2015 to report mandated concerns rest with you and not with the designated liaison person.**

## Mandated assisting

The Children First Act 2015 provides that all mandated persons can be asked by Tusla to provide any necessary and proportionate assistance to aid Tusla in assessing the risk to a child arising from a mandated report. You must comply with this request, regardless of who made the report. 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.

## Protection from civil liability

If you are required to share information with Tusla when assisting in the assessment of risk to a child, you are protected from civil liability by the *Children First Act 2015*.