

May 2020



Under the Children First Act (2015) there are organisations listed that have statutory obligations. These are known as Relevant Services. Early Years services are named at Relevant Services.

Further to this, relevant services, under the Children First Act (2015) must appoint a relevant person to be the first point of contact in respect of the organisation's Child Safeguarding Statement.

Early Years services should ensure that they are familiar with their obligations under the Children First Act.

More information on relevant services, relevant persons and legal obligations can be found in chapter 4 of the Children First National Guidance 2017. This can be accessed here; [https://www.tusla.ie/uploads/content/Children\\_First\\_National\\_Guidance\\_2017.pdf](https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf)

As per the Children First Act (2015), in an Early Learning and Care context, the following people are deemed as Mandated Persons;

- Childcare staff member employed in a pre-school service within the meaning of Part VIIA of the Childcare Act 1991 <http://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/html>
- A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991 <http://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/html>

A full list of all Mandated Persons can be found in the Children First National Guidance 2017, in Appendix 2: Schedule of Mandated Persons under the Children First Act 2015 [https://www.tusla.ie/uploads/content/Children\\_First\\_National\\_Guidance\\_2017.pdf](https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf)

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 have certain legal obligations under the Children First Act 2015 and these are;

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

As a mandated person, under the legislation you are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances

### **Making a report**

Mandated Persons, as outlined above, have a legal obligation to make a report to Tusla where they believe a child has been harmed, is being harmed, or is at risk if being harmed. **All Early Learning and Care services should have a robust Child Protection and Welfare Policy and Procedure that clearly outlines the steps to be taken where a Child Protection and Welfare concern arises.**

May 2020



Staff who are not Mandated Persons still have an obligation to report Child Protection and Welfare concerns. ELC services Child Protection and Welfare Policy and Reporting Procedures should clearly outline all steps that **ALL STAFF** should take in such a situation.

Chapter Three of the Children First; National Guidance for the Protection and Welfare of Children outlines further information on the role of Mandated Persons and can be found here;

[https://www.tusla.ie/uploads/content/Children\\_First\\_National\\_Guidance\\_2017.pdf](https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf)