

# Mandatory Reporting in the Republic of Ireland

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# Origins & Rationale:

- **Reporting Child Sexual Abuse:** Policy obligations to report since **mid to late 80s**.
- **Mandatory Reporting:** originally recommended by the Law Reform Commission in Ireland in **1990** and later echoed in various independent inquiries into familial and institutional abuse.
- **Rationale:** Series of failures to report highlighted in inquiry reports (Clerical, State, Familial)
- **Law:** Placed on a statutory footing within the Children First Act **2015**.
- **Practice:** Commenced on 11<sup>th</sup> December **2017**.

# Model of Mandated Reporting: What...

- **What is mandated:**

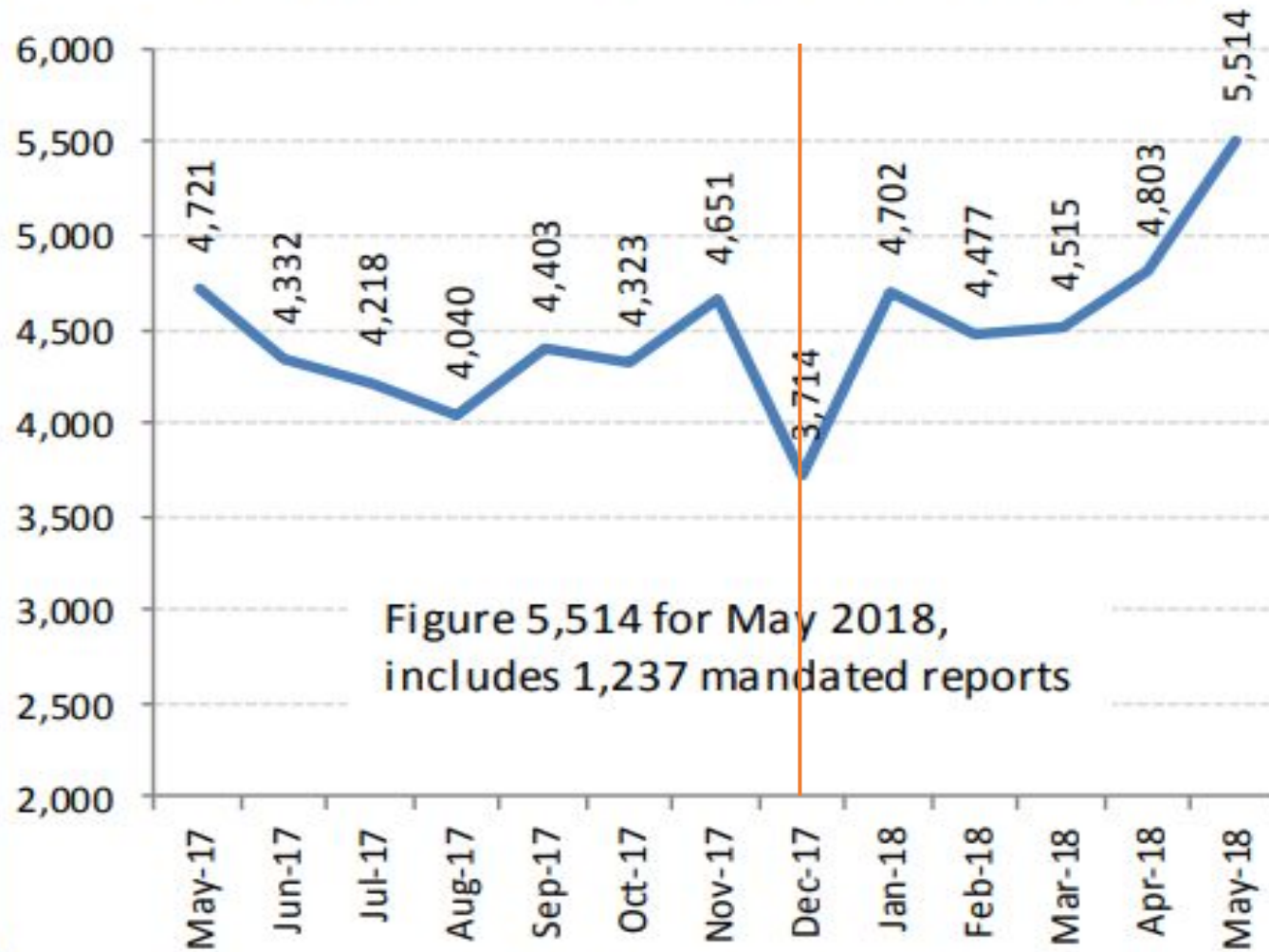
...where a mandated person *knows, believes or has reasonable grounds to suspect*, on the basis of information that he or she has *received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person*, that a child— *(a) has been harmed, (b) is being harmed, 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** [Tusla, Child and Family Agency]

- **Exemptions:** Sexual activity with a 15-17 year old child; Information received from another mandated person

# Model of Mandated Reporting: Who...

- **Who is Mandated:** 29 mandated categories covering a range of professions.
- **Standard Categories:** Health and Social Care, Organised Sports and Religion, Teachers and Law Enforcement.
- **Other Categories:** *Managers of* Language schools, domestic violence shelters, asylum seeker and homeless accommodation.
- **Act also provides for *Mandated Assistance*:** obligation requiring mandated persons to engage with child protection assessments, attend meetings and/or provide reports.
- **Penalties:** No statutory consequences of not reporting.

## Referrals to Child Protection & Welfare Services



## Impact:

- In operation since December 2017
- 892 mandated reports in January 2018, 1,237 in May 2018
- Difficult to determine impact on child outcomes at this point.
- Anecdotally, more advice calls being received which will hopefully lead to more interagency collaboration and better understanding of child protection roles.

(Table courtesy of Tusla, Child and Family Agency (available at [tusla.ie](http://tusla.ie)))

# Specific Context:

- Nothing in the Children First Act 2015 seeks to replace existing obligations under law.
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 – Duty to report matters that constitute a crime to law enforcement services.
- Child Sexual Abuse – A crime and a child protection concern
  - Therefore, legal obligation under both Acts. One does not discharge the other responsibility
- Countries seeking to adopt Mandated Reporting should conduct a review of current legal and policy obligations to report child sexual abuse in order to reduce replication and multiple reporting obligations.

# References & Further Reading:

- Buckley, H. and Nolan, C. (2013) *An examination of recommendations from inquiries into events in families and their interactions with State services, and their impact on policy and practice*. Department of Children and Youth Affairs, Dublin, Ireland.
- Law Reform Commission (1990) Report on Child Sexual Abuse, *LRC 32-1990*, Available at <http://www.lawreform.ie/>
- Kilkelly, U. (2012) Learning Lessons from the Past: Legal Issues Arising from Ireland's Child Abuse Reports, *Irish Journal of Applied Social Studies*, Vol. 12, Iss. 1, Article 2.
- Children First Act 2015. Available at <http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf>
- McGregor, C. and Mooney, J. (2017) Weighing up the impact of mandatory reporting, RTÉ Brainstorm, December 11<sup>th</sup>, 2017. Available at <https://www.rte.ie/eile/brainstorm/2017/1210/926402-weighing-up-the-effects-of-mandatory-reporting/>

-Thank You-

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