

[DLP  
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## 4.6 Responding to child protection concerns

Scouting Ireland adults should deal with any concern/allegation/suspicious of abuse from a child or young person sensitively and carefully. Where a child/young person discloses abuse, Scouting Ireland Personnel must follow the reporting procedures. A disclosure of abuse from a child/young person meets reasonable grounds for concern and the threshold of harm for making a mandated report. The following approach is suggested as best practice for dealing with any concern/allegation/suspicious and must also be reported

### Do not conduct an investigation

- 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 in the child's own words.
- Treat the information confidentially, discuss the matter only with people who really need-to know.

The above guidance will be highlighted in Scouting Ireland Safeguarding training for Scouters.

## 4.7 Reporting Procedure

All adults within Scouting Ireland have a responsibility to report any concerns they may have in respect of child protection and welfare. Everyone involved in Scouting Ireland must raise any concerns relating to child abuse with the DLP. It is important to note that joint reporting exists for all, a joint report can be made with the DLP, parent/guardian, and a non-mandated referrer.

Following a disclosure from a child, or following observations/interactions with a child relating to child welfare, neglect or abuse, the following are the steps to be followed –

- If you consider the child to be in immediate risk, make contact directly and immediately with An Garda Síochána or the Police Service of Northern Ireland. You should then follow up with a report to the Safeguarding Department DLP's in Scouting Ireland.
- If the concern is not urgent or does not involve immediate risk to the child - Contact the Safeguarding Department (DLP's) during office hours.

If you are unsure if a report should be made you can contact the Scouting Ireland Safeguarding Department DLP's who can discuss it with you. If the DLP is also unsure if the concern meets the threshold for reporting they may seek advice from a Duty Social Worker who can provide guidance. It is important to note that if Scouting Ireland Personnel are not satisfied with the DLP decision that the concern does not meet the threshold to report to the statutory authorities. Scouting Ireland Personnel may themselves make a report to the statutory authorities. **Scouting Ireland Personnel must inform the Safeguarding Department that they have made a report. Where a report is made directly to the statutory authorities, a copy must be forwarded to the Safeguarding Department.** It is not appropriate for anyone to hold copies of this information. All information must be stored at the Safeguarding Department.

- In the Republic of Ireland if reasonable grounds for concern are reached the DLP will complete the relevant form and submit it to the relevant statutory authorities.

[GDPR/Data  
protection and  
recording and  
storing of  
information](#)

- In Northern Ireland If there are reasonable grounds for concern, after consultation with the relevant Gateway team, the DLP will complete the relevant form and submit a referral.
- It is Scouting Ireland policy that parents should be informed that a report is to be made to a statutory authority unless there is a danger to the child, or it may interfere with any statutory authorities' assessment/investigation. This can be discussed with the DLP and if unsure whether to inform parents, the DLP can seek advice from the Tusla in Republic of Ireland and Gateway in Northern Ireland.
- Following the report being made the DLP will continue to liaise with the statutory authorities as appropriate.
- The Group Leader, where appropriate, and on a need-to-know basis will be informed by the DLP that a concern has been raised in respect of their group to Scouting Ireland and it has/has not been reported to the statutory authorities. The Group Leader is obliged to maintain confidentiality in respect of this information; however, the Group Leader will not always be informed of the details of a report. Decisions about informing the Group Leader will be made on a case-by-case basis.
- In order to maintain the confidentiality of the process, information must only be shared on a need-to-know basis and must not be discussed among peers in Scouting Ireland See section 6.1 for more information on confidentiality. The DLP will need to provide as much information as possible about the child when making a report to the statutory agencies. Where possible, when making a report to the DLP, the following information should be included (information being unavailable must not prevent a report being made to the statutory authorities);
  - The child's name, address, and age
  - Names and addresses of parents or guardians
  - Names, if known, of who is allegedly harming the child or not caring for them appropriately
  - A detailed account of your grounds for concern (e.g. details of the allegation, dates of incidents, and description of injuries)
  - Names of other children in the household
  - Name of school the child attends
  - Contact details of the reporter who raised the concern, as the statutory authorities may wish to make contact with them.

*NOTE: If the person alleged to be causing harm or abuse is a child, the reporting procedures above are followed for both children. See section 3 above for more details responding to peer abuse*

#### **4.8 Non-reporting of concerns**

Where the DLP decides that the grounds for reasonable concern are not met, the DLP must inform the reporter in writing as to the reasons for that decision and advise the reporter that he/she may make a report directly to the statutory authorities. Scouting Ireland Personnel who do report directly to the statutory authorities must inform Scouting Ireland Safeguarding Department that they have made a referral directly. Failing to advise the Safeguarding Department and providing copies of any reports may be subject to a breach of the Scouting Ireland Code of Behaviour. In the Republic of Ireland persons are protected under the Protection for Persons Reporting Child Abuse Act 1998, should they report independently.

[Protection for  
Persons  
Reporting Act  
1998  
\(Republic of Ireland\)](#)

[Criminal  
\(Northern Ireland \)  
Law Act 1967](#)

When the decision is taken not to report the concern, the DLP must maintain a written record of all actions and communications and record the reason(s) for not reporting. This includes recording of any informal consultations and any advice received from the statutory authorities.

#### **4.9 Mandated Persons reporting procedure Children First Act 2015**

Mandated Persons in Scouting Ireland should inform the Safeguarding Department if making a report of harm. The safeguarding Department cannot make a mandated report on behalf of a Mandated Person, however the Safeguarding Department and other Mandated Person should make the report jointly. If the Mandated Person and/or the Safeguarding Department are in doubt about whether the concern reaches the legal definition of harm for making a mandated report, guidance from Tusla should be sought.

Where a Mandated Person has a concern that they believe does not reach the threshold for a mandated report, they should consider whether the concern meets reasonable grounds for concern. If the Mandated Person thinks the concern does meet reasonable grounds for concern, they should report the concern to their DLP, in line with current policies and Legislations and Scouting Ireland reporting procedures.

#### **4.10 Threshold of Harm for Mandated Persons**

When a Mandated Person in Scouting Ireland is considering whether they should make a mandated report of harm to a child, the Children First Act 2015 defines 'harm' in a relation to a child as

- 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
- Sexual abuse of the child, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions, or circumstances, or otherwise.

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—*

- *Has been harmed,*
- *Is being harmed, or*
- *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 statutory agencies.*

In the Republic of Ireland Section 14(2) of the Children First Act 2015 places obligations on mandated persons to report any disclosures made by a child:

*"Where a child believes that he or she—*

- (a) Has been harmed,*
  - (b) Is being harmed, or*
  - (c) Is at risk of being harmed,*
- and discloses this belief to a mandated person in the course of a mandated person's employment or profession as such a person, the mandated person shall, as soon as practicable, report that disclosure to [Tusla]."*

It is important to note that if a Mandated Person is making a report, they must inform Scouting Ireland safeguarding department and a joint report will be made with the Mandated person and the DLP.

#### **4.11 Withholding of Information**

In the Republic of Ireland the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 make it a criminal offence to withhold information about a serious offence, including a sexual offence, committed against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been

committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána.

The provisions of the withholding information legislation are **in addition** to any reporting requirements under the Children First Act 2015.

In Northern Ireland see – Link to Cooperating to safeguard Children and Young People 2016

#### **4.12 Dealing with a Retrospective Allegation**

If an adult within Scouting Ireland receives a disclosure from another adult about abuse they suffered as a child, this must be reported to the Safeguarding Department, who will then notify the statutory authorities in line with procedures outlined above. It is important to also ensure that in a retrospective allegation that there is no current risk to children if the person subject to the allegation is still living. See Section 5 below

#### **4.13 Anonymous reports**

If the DLP or any Scouting Ireland Personnel receives an anonymous report regarding a concern about a child protection and/or welfare within Scouting Ireland, they will follow the reporting procedure outlined above. Scouting Ireland Personnel must inform a DLP at the Safeguarding Department. However, it will likely be much more difficult to establish reasonable grounds for concern without having information directly from the reporter who has raised the concern, and this may impede on any subsequent informal consultation/investigation.

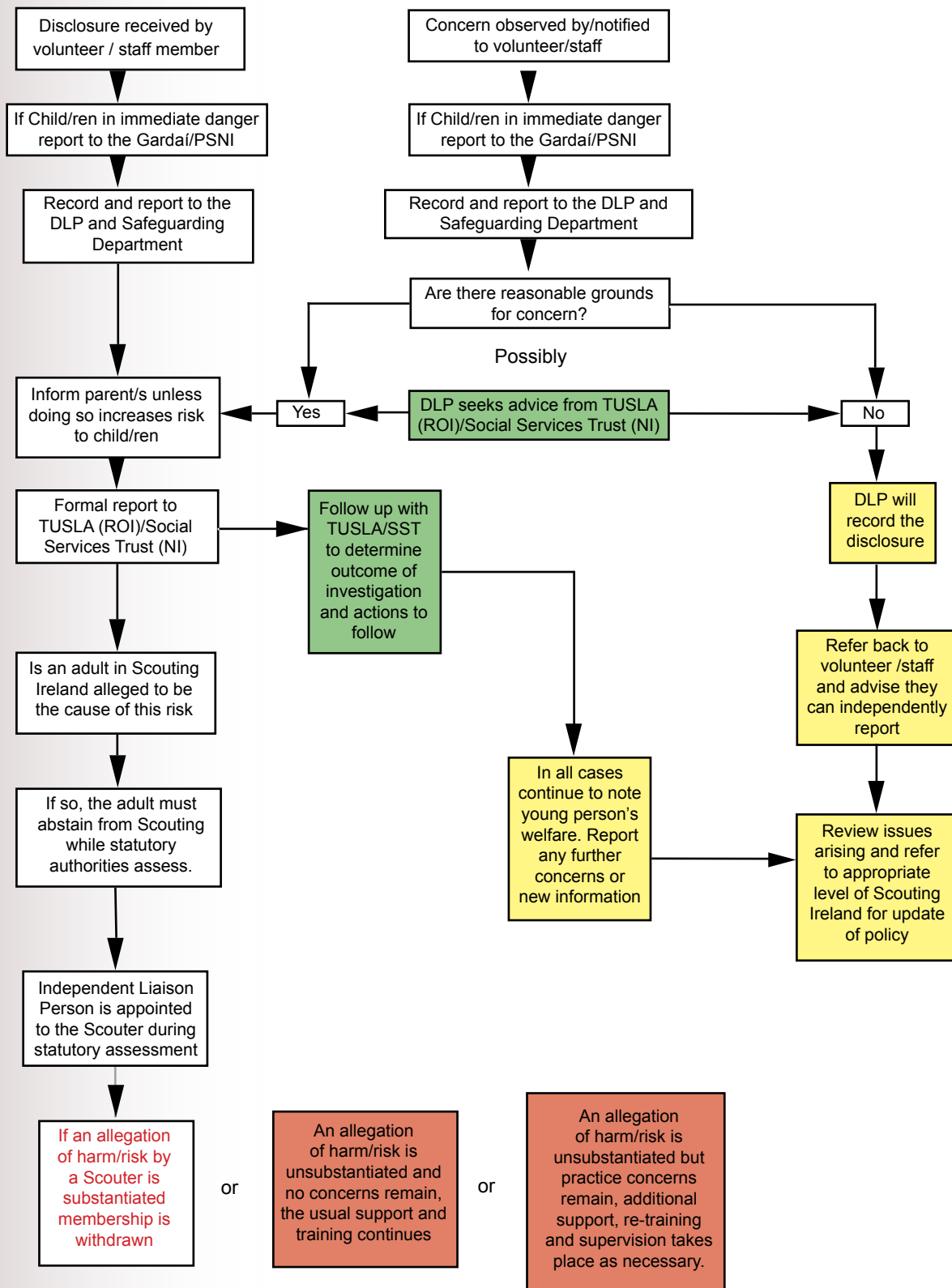
#### **4.14 Diagram of the Overview of reporting procedures**

see next page

[Children First  
Act 2015  
\(Republic  
of Ireland\)](#)

[Cooperating to  
safeguard  
Children and  
Young People  
2016](#)

# Reporting Procedure Overview



Mandated Persons: Please see appendix 2 of the Scouting Ireland Child Safeguarding and Child Protection Policy & Procedures. If you are a mandated person you will need to follow your legal obligations under Child First Act and follow the procedures outlined in the Scouting Ireland Child Protection and Safeguarding Policy and Procedures. Sections 2.6 and 4.9 of the policy