



TUS

Ollscoil Teicneolaíochta na Sionainne:
Lár Tíre, An tIarthar Láir
Technological University of the Shannon:
Midlands Midwest

TUS Child Protection Policy 2026 - 2028



Document Control Record

Academic Quality Assurance and Enhancement Handbook	
Volume 9: No 9	
Document Title	TUS Child Protection Policy 2026 - 2028
Document Entrust	TUS Designated Liaison Person
Document Status	Approved
Revision No	1.0
Pages	Page 2 of 21
Approval Body	Governing Body
Date of Approval	24/11/2025
Next Revision	2029

Revision History	
Revision No	Comments/Summary of Changes
1.0	Approved by Academic Council 30/09/2022 Extended by Governing Body (23/06/2025)
2.0	Approved by Governing Body (24/11/2025)

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1.0 Purpose

This Policy is intended to inform members of the Technological University of the Shannon: Midlands Midwest (hereafter referred to as TUS or the Technological University) community, who have contact with children, to be aware of their legal obligations to recognise child protection and welfare concerns and to respond appropriately. TUS may have students under the age of 18, who have been offered places on approved programmes. TUS provides education, engages in research and provides activities that may involve children.

The policy is based on the Children First Act, 2015^[1] and the “*Children First: National Guidance for the Protection and Welfare of Children (2017)*”^[2a] and 2019 addendum re: *online safety*”.^[2b] For the purposes of this document, the term “member of the Technological University community” includes staff and students of TUS and those working on a voluntary/unpaid basis on behalf of the Technological University.

2.0 Scope

This policy sets the responsibilities of members of the Technological University with respect to Child Protection.

It is the duty of each member of the TUS community to be familiar with and comply with the Policy. For the purposes of this document, the term “member of the TUS community” includes staff and students of TUS, Student’s Union Officers, Student’s Union Staff, those working for TUS through Contract for Services, Agency Workers, and those working on a voluntary/unpaid basis on behalf of the Technological University.

In the area of Child Protection, this policy takes precedence over all other TUS policies in its operation. Members of the TUS community should also be familiar with other relevant policies, included but not limited to the *TUS Student Garda Vetting Policy and Procedures*,^[3] *TUS Staff Garda Vetting Policy and Procedures*,^[4] and *TUS Policy and Procedure for Responding to Sexual Violence and Sexual Harassment*.^[5]

The President of the Technological University is accountable to the Governing Body for the implementation of the Child Protection Policy in TUS. The President discharges that responsibility through the appointment of a Designated Liaison Person (DLP).

The *TUS Child Protection Policy*, *TUS Child Safeguarding Statement* and *TUS Child*

Protection Procedures will be reviewed biennially or following any material changes to the matters to which they relate.

TUS subsidiary companies are required to have in place their own Child Protection Statement, Policy and Procedures.

3.0 Statutory Obligations

A child is a person under 18 (*Child Care Act, 1991*),^[6] excluding a person who is or has been married;

The Children First Act 2015^[1] defines “harm in relation to a child -

- (a) *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*
- (b) *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”.

One of the main objectives of the Children First Act 2015^[1] is to ensure that an organisation keeps children safe from harm while availing of their services. This includes:

“Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in - a school or centre of education, both within the meaning of the Education Act 1998^[7] (extract from Schedule 1 of the Children First Act 2015^[1] pertaining to Relevant Services.

The Children First Act 2015^[1] specifies the obligations of relevant services to prevent, as far as practicable, deliberate harm or abuse to the children availing of their services including the putting in place of policies and procedures to manage and reduce risk to the greatest possible extent.

The Children First Act 2015^[1] places specific obligations on organisations which provide services to children and young people, including the requirement to:

- Keep children safe from harm while they are using the service;
- Carry out a risk assessment to identify whether a child or young person could be harmed while receiving your services;
- Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified;

- Appoint a relevant person to be the first point of contact in respect of the organisation's Child Safeguarding Statement.

The Children First Act 2015^[1], requires providers of relevant services to have due regard to the "Children First: National Guidance for the Protection and Welfare of Children (2017 and 2019 addendum re: online safety)"^[2] and any guidelines issued by TUSLA – Child and Family Agency concerning child safeguarding statements. Any guidance issued by TUSLA concerning Child Safeguarding Statements may be found on its website (www.tusla.ie).

Under the Children First Act 2015,^[1] if an organisation is providing a relevant service, it must undertake a risk assessment. This considers the potential for harm to come to children while they are in the organisation's care. The risk assessment is then used to draft a Child Safeguarding Statement to outline how these risks will be managed.

4.0 Policy Principles

TUS:

- 1) recognises that the safety and welfare of children for whom it has responsibility is paramount, and undertakes to maintain the highest possible standards in order to meet its responsibility to protect and safeguard those children;
- 2) commits to adopting the safest possible practices to minimise the possibility of harm to children;
- 3) recognises that interactions with registered students who are under 18 years of age is on the basis of the normal rules applying to all registered students;
- 4) has adopted appropriate measures, in line with legislative requirements, for the vetting of staff, and certain students whose work/programme of study brings them into contact with children;
- 5) has identified mandated persons and appropriate training to ensure that they meet their legal obligations;
- 6) recognises that Child Protection is a multiagency, multidisciplinary activity and has adopted procedures to ensure that appropriate reporting and information sharing arrangements are in place;
- 7) has prepared a TUS Child Safeguarding Statement^[8] and Child Protection Procedures.^[9]

- 8) recognises that Members of the TUS community have a duty to raise concerns about the behaviour of others which may be harmful to children.
- 9) will maintain links with TUSLA (the Child and Family Agency), in the context of the operation of the Policy, and will facilitate the reporting and sharing of information as required.

5.0 Circumstances Which May Make Children More Vulnerable to Harm

The Children First National Guidance for the Protection and Welfare of Children 2017^[2] provides a list to help individuals identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. It notes that *"it is important for you to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused."*

The listed factors include:

Parent or carer factors:

- Drug and alcohol misuse
- Addiction, including gambling
- Mental health issues
- Parental disability issues, including learning or intellectual disability
- Conflictual relationships
- Domestic violence
- Adolescent parents

Community factors

- a) Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction
- b) Culture-specific practices, including:
 - 1) Female genital mutilation
 - 2) Forced marriage
 - 3) Honour-based violence
 - 4) Radicalisation

Environmental factors:

- Housing issues
- Children who are out of home and not living with their parents, whether temporarily or permanently
- Poverty/Begging
- Bullying
- Internet and social media-related concerns

Poor motivation or willingness of parents/guardians to engage:

- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans

The Children First National Guidance recommends that these factors are considered “as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of TUSLA.

6.0 Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child’s welfare. The Children First National Guidance for the Protection and Welfare of Children 2017^[2] defines Bullying as follows:

“Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.”

The Children First National Guidance further notes:

“While bullying can happen to any child, some may be more vulnerable. These include children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT; and children of minority religious faiths.”

Members of the TUS community should also be familiar with the *TUS Student Code of Conduct and Discipline*^[10] and the *TUS Student Policy on Dignity and Respect Dealing with Harassment and/or Bullying among Students*.^[11]

7.0 Reasonable Grounds for Concern

The Children First National Guidance for the Protection and Welfare of Children 2017^[2] notes that the 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

The Children First National Guidance for the Protection and Welfare of Children 2017^[2] further notes that the guiding principles on reporting child abuse or neglect may be summarised as follows:

- 1) the safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made;
- 2) reports of concerns should be made without delay to TUSLA.

The Children First: National Guidance for the Protection and Welfare of Children^[2] describes four types of abuse as Neglect, Emotional abuse/ill-treatment, Physical abuse, and Sexual abuse and these are reproduced in [Appendix 1](#).

8.0 Designated Liaison Persons

The Technological University has appointed Designated Liaison Person(s) to act as a resource to any member of the TUS community who has child protection queries or concerns. The Designated Liaison Person(s) liaise with external agencies as required and are responsible for reporting suspicions or allegations of child abuse to TUSLA and/or An Garda Síochána.

9.0 Mandated Persons

Mandated persons (in accordance with the provisions of the Children First Act 2015^[1]) are people who have contact with children or adults and who, because of their qualifications, training, and/or employment role, are in a key position to help protect children from harm. Mandated persons who are employed by TUS, or mandated persons who are providing services to TUS, have a statutory obligation to report mandated concerns to TUSLA. This obligation is discharged by mandated persons making a joint report with the DLP to TUSLA. Certain professionals i.e., the Head of Student Counselling reports directly to TUSLA with relevant notification to the DLP. The Schedule of Mandated Persons is outlined in the *TUS Child Protection Procedures (2025-2027)*^[9].

10.0 Mandatory Reporting to State Authorities

The Technological University is obliged to inform TUSLA of any **reasonable grounds for concern** ([Section 7.0](#)) that a child may have been, or currently is, at risk of being abused or neglected. Reporting is done by the DLP (except in the case of mandated persons). Subsequent to, or in parallel with this reporting, internal investigations may be carried out. It is not necessary for any member of the Technological University community to prove that abuse has occurred in order to report a concern to TUSLA. All that is required is that there are reasonable grounds for concern. It is TUSLA's role to assess concerns that are reported. Under the legislation, a mandated person is 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.

Definitions of the four categories of abuse outlined in the National Guidance for the Protection and Welfare of Children, 2017^[2] (namely, Neglect, Emotional abuse/III-treatment, Physical abuse, and Sexual abuse) including the threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns is outlined in [Appendix 2](#).^[2]

11.0 Actions to be Taken by Members of the Technological University Community (Staff or Students)

Members of the TUS community must be alert to the possibility that children with whom they are in contact could be victims of abuse. If staff members or students have any concerns, or anyone raises concerns with them, they must contact the DLP immediately to seek advice.

In cases of an on-campus emergency, where it is believed that a child is at serious and imminent risk, immediate contact should be made in the first instance with the relevant Campus Emergency Response team using the contact numbers displayed on each campus who will ensure the immediate safety of the child on campus, and who will alert An Garda Síochána.

The DLP should be informed, who will immediately inform the Child and Family Agency (TUSLA).

A member of the TUS community should not interview the child or the child's parent(s)/, guardian(s)/, carer(s) about the alleged abuse, as this is a function of TUSLA or An Garda Síochána.

Contact details for all relevant persons in the implementation of this Policy, (including the relevant campus emergency response number) are published in the accompanying *TUS Child Protection Procedures*.

12.0 Records

It is important that any member of the Technological University community reporting suspected child abuse (neglect, emotional abuse/ill-treatment, physical abuse or sexual abuse), should accurately record the conversations/observations which establish the basis for their concerns. These observations (which may include dates, times, names, locations, context and any other information which may be relevant) should inform the discussion with the Designated Liaison Person.

13.0 Confidentiality

Confidentiality must never be promised to a child or young person making a disclosure. All information regarding possible or suspected child abuse should be shared only "on a need-to-know basis", in the interests of the child. The requirement

to report to the DLP and to TUSLA can be explained in a supportive manner to the child/adult.

Information may be communicated to TUS personnel who have a legitimate involvement or role in dealing with the issue; it is not a breach of confidentiality to give information to those who need to have that information, for the protection of a child including the DLP, TUSLA or An Garda Síochána.

14.0 Data Protection

The policy will be implemented in a manner compliant with the *Data Protection Acts 1988 to 2018*^[12]; and the *General Data Protection Regulation (EU) 2016/679*^[13] and the *TUS Data Protection Policy*^[14].

15.0 Persons Reporting Possible Child Abuse

There are legislative provisions to protect from civil or criminal liability any member of the Technological University community or Designated Liaison Person(s) who reports suspicions of child abuse reasonably and in good faith to designated officers of TUSLA or to An Garda Síochána (*Protections for Persons Reporting Child Abuse Act, 1998*).^[16]

This legislation also creates an offence of false reporting of child abuse, where a person makes a report of child abuse to the appropriate authorities “knowing that statement to be false”. This is a criminal offence designed to protect innocent persons from malicious reports.

It is noted that it is an offence to withhold information about a serious offence against a person under 18 years, or a vulnerable person [*Criminal Justice (Withholding of information on offences against children and vulnerable persons) Act, 2012*].^[17]

16.0 Accompanying Procedures

The Technological University has published *TUS Child Protection Procedures* for staff and students to accompany this policy, which includes details of the Technological University Designated Liaison Persons, Mandated Persons and guidance for staff and students on reporting Child Protection concerns.

17.0 Training

- 1) Child protection training will be provided by TUS to all parties involved in the operation of Policy. This may include both in-person and e-learning components.
- 2) TUS shall maintain a list of Staff who are required to receive in-person/e-learning training.
- 3) TUS shall maintain a record of staff who have completed in-person/e-learning training and shall ensure that the completion of individual learnings by staff is monitored. Reminders shall be sent to staff to complete required child protection training sessions.
- 4) The frequency of training and details of how training is monitored shall be specified in the TUS Child Protection Procedures.

18.0 References

- 1) Children First Act, 2015
- 2) (a) *Children First: National Guidance for the Protection and Welfare of Children 2017*.
(b) 2019 addendum re: online safety
- 3) TUS Student Garda Vetting Policy and Procedures
- 4) TUS Staff Garda Vetting Policy and Procedures
- 5) TUS Policy and Procedure for Responding to Sexual Violence and Sexual Harassment
- 6) Child Care Act, 1991
- 7) Education Act 1998
- 8) TUS Child Safeguarding Statement. TUS Academic Quality Assurance and Enhancement Handbook
- 9) TUS Child Protection Procedures. TUS Academic Quality Assurance and Enhancement Handbook
- 10) TUS Student Code of Conduct and Discipline
- 11) TUS Student Policy on Dignity and Respect Dealing with Harassment and/or Bullying among Students
- 12) Data Protection Acts 1988 to 2018
- 13) General Data Protection Regulation (EU) 2016/679
- 14) TUS Data Governance Policy
- 15) Protections for Persons Reporting Child Abuse Act, 1998
- 16) Criminal Justice (Withholding of information on offences against children and vulnerable persons) Act, 2012]

Appendix 1. Descriptions for Neglect, Emotional Abuse/III-treatment, Physical Abuse and Sexual Abuse

The following descriptions are provided by the Children First National Guidance for the Protection and Welfare of Children 2017. [2]

Neglect

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability.

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision.
- Malnourishment, lacking food, unsuitable food or erratic feeding.
- Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation.
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation.

- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture.
- Lack of adequate clothing.
- Inattention to basic hygiene.
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age.
- Persistent failure to attend school.
- Abandonment or desertion.

Emotional abuse/III-treatment

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security is not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection
- Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions

- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical abuse

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/or development is, may be, or has been damaged as a result of suspected physical abuse.

- Physical abuse can include the following:
- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking or hair-pulling
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Fabricated/induced illness
- Female genital mutilation

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could

previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

Sexual abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child.
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual.
- Arousal or gratification.
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation.
- Sexual intercourse with a child, whether oral, vaginal or anal.
- Sexual exploitation of a child, which includes:

- Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
- Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act.
- Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse.
- Exposing a child to inappropriate or abusive material through information and communication technology.
- Consensual sexual activity involving an adult and an underage person.

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in Chapter 3 of this *Guidance*.

Appendix 2. Criteria for Reporting Mandated Concerns: Definitions and Thresholds

Neglect

Neglect is defined as 'to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care'. The threshold of harm, at which you must report to TUSLA under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child's needs have been neglected, are being neglected, or are at risk of being neglected to the point where **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

Emotional Abuse/Ill-treatment

Ill-treatment is defined as 'to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated'. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015.

The threshold of harm, at which you must report to TUSLA under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

Physical Abuse

Physical abuse is covered in the references to assault in the Children First Act 2015. The threshold of harm, at which you must report to TUSLA under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

Sexual Abuse

If, as a mandated person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to TUSLA under the Children First Act 2015.

Sexual abuse to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.