From: John Moore1 <john.moore1@tusla.ie>
Date: Monday 13 March 2023 at 12:31
To: Mark Vincent Healy <markvincenthealy@gmail.com>
Subject: Re: 230312 - Commission to Inquiry into Child Sexual Abuse in Primary and Post-Primary Schools in Ireland

Good morning Mark,

I wonder if you wouldn't mind removing my email from your correspondence with elected representatives. I completely understand you have made significant representations to those entities, but my remit is a statutory responsibility and it cannot be altered or influenced by elected representatives unless there is legislation that alters policy. I wish you the very best in your endeavour but I have no input in this regard. There is an appropriate channel of inquiry where political representatives enter PQs and the Dept/ Minister may seek clarifications through Tusla channels.

Two points of clarification from your most recent email to the minister. The first is your interpretation of Children First Act (2015) is not correct and is not confined to contemporaneous disclosures. The wording of the legislation
States explicitly:
Section 14
14. (1) Subject to subsections (3), (4), (5), (6) and (7), 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.

Of course, you are entitled to have a view on the appropriateness of this in the context of the experience of persons who disclosure historical abuse. However, the High Court has been unambiguous in the implications of this section for Mandated Persons. It is contentious but it is law currently.

I would dispute your assumption that my contact is unsolicited; I believe that it is proportionate, it is informative only, it is fulfilling my statutory obligations under GDPR, but most importantly it is trauma-informed. Again, you are entitled to have a view on this matter but I would caution you in assuming that you are speaking for all recipients of this communication.

The second is just to outline that I have not misled, and I have a huge regard for the intelligence of those that have read and responded to me. I would ask you to refrain from speculating on the experience or interpretation of others to my contact. Again, I believe that my letter is not ambiguous, it is very apparent that I represent the Child & Family Agency and that I am offering information only.

Again, I am willing to provide you with an outline of my role and my preference is to meet in person so you have opportunity to engage with me and understand the complex environment that we work in.

I am limited in my availability today as I am in training for the entire day. However, please do advise me of your preference and availability over the coming weeks if that is something you are open to.

I look forward to hearing from you.

Sincerely

John Moore