

Mandatory reporting of child sexual abuse

A survey of the Victims and Survivors Forum

April 2019

Introduction

1. The Inquiry is examining the adequacy of existing obligations to report child sexual abuse in England and Wales. In September 2018, the Inquiry held a seminar on this topic which discussed the existing obligations in England and Wales and the experiences of other countries in which reporting child sexual abuse is a legal requirement. A second seminar will be held in April 2019 to consider the arguments for and against the introduction of mandatory reporting laws in England and Wales, and the practical considerations involved in introducing such a law.
2. Evidence, research and information on reporting of child sexual abuse has also been gathered in the course of the Inquiry's investigations and through the experiences shared by victims and survivors who have participated in the Truth Project.
3. In addition to these existing sources, the Chair and Panel wanted to hear the views of the Inquiry's Victims and Survivors Forum ('the Forum') on introducing mandatory reporting of child sexual abuse in England and Wales. Members of the Forum were invited to complete a short survey on this important issue; the survey was open for three weeks from 26 November to 17 December 2018 and received a total of 130 responses.
4. This report provides a summary of what Forum members who responded to the survey told us. The Inquiry would like to thank all those who took the time to complete the survey.

Background and methodology

5. The Inquiry's Victims and Survivors Forum is a self-nominating group of victims and survivors of child sexual abuse. The Forum aims to provide an opportunity for members to discuss and contribute to the Inquiry's work.
6. The Inquiry invited Forum members to share their views on mandatory reporting of child sexual abuse through an online survey. Members who had previously elected to be contacted by post only were invited to complete a postal survey.
7. The survey asked respondents whether they would like to see mandatory reporting of child sexual abuse in England and Wales. In addition, the survey asked respondents who they thought a new mandatory reporting law should apply to and to provide further information to support their views on mandatory reporting.
8. The collation process involved reading each response and summarising the emerging themes. Illustrative examples were selected for discussion in this report and paraphrased or generalised to ensure the anonymity of respondents.
9. All quotations used in this summary report have been taken directly from responses to the survey, where the respondent gave their consent for the Inquiry to use their response in this way.
10. It is important to note that the survey included open-text questions, which may have been interpreted differently by respondents. As stated in the survey, any information and views provided in responses which did not address the questions have not been considered by the Inquiry.
11. A range of views and responses were received through the survey. This summary gives an overview of the views provided by those who took part, but will not be representative of all Forum members or of all victims and survivors of child sexual abuse.
12. The responses the Inquiry received will be taken into account as part of the Chair and Panel's consideration of mandatory reporting.



Summary of responses

13. The vast majority of respondents (88.6%) said that they would like to see mandatory reporting of child sexual abuse introduced in England and Wales.
14. Responses were largely informed by respondents' own experiences of abuse. Some respondents suggested that the existence of a mandatory reporting law at the time when they suffered abuse, could have led to something being done to stop the abuse, or to the offender being brought to justice:

If there had been a mandatory law when I reported my child sexual abuse then perhaps my abuser would have been brought to justice. Possibly many other abusers would be prevented from continuing to harm children if their first incidence was reported under a mandatory law.

15. Conversely, other respondents suggested that the existence of a mandatory reporting law would have discouraged them from disclosing the abuse they suffered:

I would not have spoken out in therapy about my parents sexually abusing me if I knew the professional would have no choice but to report to the police.

My concern is that mandatory reporting may put off victims from coming forward as they lose all control.

Views in support of mandatory reporting

16. Respondents in favour of mandatory reporting felt that reporting child sexual abuse is a moral and social responsibility, and that mandatory reporting legislation is necessary to keep children safe.

MR [mandatory reporting] will make children safer like nothing else will.

... reporting of known child sexual abuse or suspected child sexual abuse is a moral duty first and foremost, since not reporting endangers the child or children being abused and enables additional abuse of other children to take place.

It's morally and ethically wrong to be a professional working with children, young people and vulnerable adults and knowingly ignore or allow that individual to be abused on a systematic and consistent basis.

17. Respondents in favour of mandatory reporting considered it to be the basis of any good child protection system.

MR [mandatory reporting] is critical to a reliable and functional child protection system across all regulated activities. Without it, organisations are free to continue reliance on haphazard and dysfunctional systems, and confused 'policy jungles' ...

18. Respondents suggested that mandatory reporting legislation could lead to more rapid cultural change in relation to child sexual abuse:

It became conventional to "sweep under the carpet" child sex abuse, ignore it and further mistreat children that reported it. To enshrine in law the duty to report child sex abuse would begin to sweep away that outdated convention and therefore better protect children.

... the cultures of coverup, inertia, and structural confusion would change very rapidly. Law changes culture quicker than years of 'professionals' indulging in policy meet & greets.

19. Respondents in favour of mandatory reporting legislation stated that it would lead to an increase in the number of cases of child sexual abuse reported, although some suggested that this increase would only be temporary:

MR [mandatory reporting] may result in more cases initially but I would argue that it would result in a reduction of abuse cases in the long term and better protect children & the vulnerable. This in turn could save money spent on Social Work & Mental Health services in the future.

In addition, it was suggested that mandatory reporting would lead to a reduction in repeat offending:

MR [mandatory reporting] could result in abusers & risk being identified at an earlier stage, preventing further abuse and damage caused by it.

My first abuse (age 10-12) was part of a much greater pattern by the abuser which spanned at least three decades. We have no way of knowing the numbers of victims involved. It's possible that it may be 100 or more. Many human lives that would not have been harmed had staff at the school been required to report in the 60's, 70's, 80's or 90's.

Respondents in favour also stated that a mandatory reporting law would encourage professionals and others to report low level concerns, which they might not have reported previously. It was suggested that increased reporting of less certain information and more minor intelligence could assist services in formulating a bigger picture of a child's situation and alert them to possible abuse. The importance of accurately recording reports of child sexual abuse was noted by several respondents.

If it is an offence in law not to report, people will protect themselves by reporting. If it isn't an offence, people tend to protect the organisation to help preserve their own job within it.

If anyone has a suspicion of sexual abuse it is much better to be reported and investigated than to be left alone. The fact that this subject is still so taboo has enabled sexual predators to thrive as suspicions often go unreported and are easily disregarded.

20. Respondents said that mandatory reporting would take the decision of whether or not to report knowledge or suspicion of abuse out of the hands of people who did not necessarily have the skills and experience to make those decisions, and put that information into the hands of an authority with the appropriate training. Respondents noted the importance of reporting and removing the choice of whether or not they report.

A false report can be quickly identified but a true report can literally change a child's life.

If people are allowed to choose whether they report something, dependent on how busy they are, or how much paperwork this will generate, they may choose not to report.

21. Respondents suggested that if reporting child sexual abuse was a legal requirement, mandated reporters would be better protected, beyond the current protection for whistleblowers.



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Many people no doubt feel unsupported about reporting childhood sexual abuse and are fearful of the consequences of being 'victimised' for doing so, especially in families.

I feel too many people are let down by people not following their gut, too many people are scared to be wrong.

22. Respondents felt that organisations cannot be trusted to report child sexual abuse; that certain institutions had a history of covering up abuse to prevent reputational damage and financial losses. It was suggested that this lack of accountability, of individuals and institutions, could be addressed by the introduction of mandatory reporting.

As we've seen in the IICSA hearings so far there's been a tendency for some institutions to protect image & reputation, failing to report abuse to avoid scandal & negative publicity. This is particularly true in religious institutions but also, for example, in fee paying schools, where the reputational damage could negatively impact the organisation's revenue stream.

Views not in support of mandatory reporting

23. Respondents who did not support the introduction of a mandatory reporting law in England and Wales shared a view that current safeguarding policies and processes were confusing and discretionary. However, instead of introducing a legal requirement to report, some respondents suggested alternative solutions.

24. Alternative suggestions largely focused on whistleblowing, education and training. For example, it was suggested that protection for those who report concerns about abuse should be improved. In addition, respondents emphasised the need for cultural change in terms of how whistleblowing is viewed, such that reporting concerns is valued and encouraged. It was also suggested that more funding should be provided to educate and train professionals, including those who do not work directly with children, to detect abuse and understand existing reporting processes.

From the whistleblower perspective, it would be better to encourage and value reporting and reward in society those that actually do report in spite of the various challenges involved.

I feel that better results would be achieved through investing in educating people on spotting the signs of abuse, having confidence in themselves when they think they are observing these and in signposting people on where to report abuse to. At the moment, unless someone works directly with children (e.g. in education, social services), I don't think people get anywhere near enough education about how to spot the signs of abuse of any type, not just sexual. When people do have suspicions they tend to doubt themselves, not want to be seen as a trouble maker and not know where to report suspicions to.

25. Respondents who did not support mandatory reporting expressed concern that all cases of child sexual abuse would need to be reported, regardless of the judgement of professionals. Professionals would not be able to use their discretion to respond based on a specific child's circumstances and whether a report would be in the child's best interest.

I believe mandatory reporting simply leads to fear based practice and we know that fear based practice is not the best approach. It allows for no individual responses based on circumstances. It prevents any form of empowerment to allow victims to disclose at their own pace.

Who should a mandatory reporting law apply to?

26. The Inquiry received 106 responses to this question. Responses varied considerably and ranged from all persons, including members of the public, to specific professions or settings. Broadly, suggestions fell into the following groups:

- a. Individual professions (for example, police, doctors or teachers), particular organisations (such as religious institutions) or certain settings (for example, domestic or family settings).
- b. Certain groups of relevant professionals who had regular contact with children, for example anyone working within “regulated activity”, anyone regulated by a professional regulator, or anyone subject to an Enhanced DBS check.
- c. Anyone working in a paid or voluntary role who has any contact with children. Several people specified the importance of the legal responsibility extending to managers and senior members of organisations to reduce the risk of cover-up.
- d. Finally, some respondents suggested that everyone in society should be mandated to report child sexual abuse, including suggestions that specifically included children over the legal age of criminal responsibility.

What else did the respondents tell us?

27. Respondents stated that the introduction of mandatory reporting would need to be accompanied by appropriate levels of funding and resources in order to be effective. It was suggested by respondents on both sides of the debate that the law would make little difference without additional funding for services to support implementation.

Without an increase in social workers and police budgets, how are those reports going [to] bring about change? Who will go to the family who has been suspected and referred? How will the evidence be collected with no extra hands? I believe it will just block an already funnel necked service to the breaking point.

28. Education and training was also cited as an important issue, both by those who were for and those who were against mandatory reporting. This included the need for professionals to receive better training, especially on identifying signs of abuse and the process of reporting, and the need for children to understand child sexual abuse and how to seek help when they need it.

This [mandatory reporting] will only be effective if staff are trained to recognise the signs.

Children themselves need to have more education in school about abuse and how they can self-report - if I had had this education at school and been made to feel I could confidently report to a teacher I believe I would have done so.

Contacts

This publication is available from the IICSA website: www.iicsa.org.uk

Questions and comments regarding this publication may be addressed to: contact@iicsa.org.uk

or post to FREEPOST IICSA INDEPENDENT INQUIRY

The Inquiry welcomes your feedback.

For information on the Inquiry and to be signposted to support organisations, please contact the Inquiry Information Line, which is a free and confidential service.

Telephone 0800 917 1000

Open 8am to 8pm (Monday to Friday) 10 am to 12pm (Saturday)

If you are interested in sharing your views or experiences with the Inquiry you can take part in the Truth Project. The Truth Project was set up for victims and survivors of child sexual abuse to share their experiences in a supportive and confidential setting. By sharing their experiences, victims and survivors make an important contribution to the work of the Inquiry and their experiences will feed into and influence our findings and recommendations. More information can be found at the following website:

<https://www.truthproject.org.uk/i-will-be-heard>

For more information on how the Inquiry works with victims and survivors of child sexual abuse please see our webpage:

www.iicsa.org.uk/victims-and-survivors