

<p>1 Tuesday, 30 April 2019 2 (10.00 am) 3 Welcome and opening remarks by THE CHAIR 4 THE CHAIR: Thank you and good morning and welcome to 5 everyone on the second day of our seminar on mandatory 6 reporting of child sexual abuse. 7 For the benefit of anyone who was not here 8 yesterday, I'm Alexis Jay and, as you will know, I'm the 9 chair of the independent inquiry into child sexual 10 abuse. 11 May I also introduce the other panel members, 12 Ivor Frank, Professor Sir Malcolm Evans and 13 Drusilla Sharpling. 14 I'm pleased to welcome again all of those who have 15 agreed to take part in this seminar and to see those of 16 you who have returned to the public gallery and also 17 some new faces in the public gallery. Thank you all for 18 joining us today. 19 I'm not going to repeat my opening remarks of 20 yesterday, a transcript is available on the inquiry's 21 website and a video will be available of yesterday's 22 proceedings. 23 Yesterday's presentations and discussions were very 24 informative. The panel and I are looking forward to 25 a day of constructive and useful discussions as our</p> <p style="text-align: center;">Page 1</p>	<p>1 focus moves to consider issues around reporting child 2 sexual abuse and key features of models of mandatory 3 reporting. 4 As it was yesterday, the seminar will be facilitated 5 by Ms Riel Karmy-Jones Queen's Counsel and will be live 6 streamed on the inquiry's website with a short delay. 7 Ms Karmy-Jones? 8 Opening remarks by MS RIEL KARMY-JONES 9 MS KARMY-JONES: Thank you, chair. I'm going to echo what 10 the chair has said and welcome back all the participants 11 we have here today. We have one change, and it was 12 an expected change. We're grateful to Rachel Dickinson 13 who has attended today in place of Stuart Gallimore. 14 Rachel is the current president of the Association of 15 Directors of Children's Services, Stuart was the past 16 president. So thank you very much for coming. 17 I'd also like to welcome back everyone in the public 18 gallery again. 19 Now, I introduced myself and my role in the seminar 20 yesterday. I'm not going to go over every detail of 21 that, but I do want to introduce Lara McCaffrey, junior 22 counsel, who assists me, Bethany Atkinson, who sits to 23 my right, and Jack Gray, who sits at the back to my 24 left, both of whom are from the policy team and have 25 been instrumental in putting the seminar together.</p> <p style="text-align: center;">Page 2</p>
<p>1 Just to recap for those who may be watching 2 remotely, my job during the course of this seminar is to 3 facilitate, to ask questions, to try and keep 4 discussions moving, and to try and keep them to time, 5 but we hope we have a lively and courteous debate today. 6 The rules I set out yesterday do still apply. This 7 is not a legal process, this is not about submitting 8 evidence or cross-examination, it's about giving us your 9 comments, your observations so that they can be 10 considered in the round. 11 Please, when you speak, those of you around the 12 horseshoe, please do use the microphones to ensure that 13 you can be heard by those in the public gallery. 14 Turning it on helps, but you still have to lean forward 15 and speak into it. If it's too far back, you just won't 16 be heard; all right? 17 As you know, this seminar sits within the inquiry's 18 wider body of work, the terms of reference are on the 19 inquiry's website. 20 As I said yesterday, the inquiry remains neutral on 21 the issue but we are interested in hearing participants' 22 views on all the key features both for and against. 23 Some of those features, as you know, are on the 24 models of mandatory reporting, on who mandatory 25 reporting could apply to, on which organisations or</p> <p style="text-align: center;">Page 3</p>	<p>1 professions it should apply to. I want to pick up on 2 Tom Perry's point made yesterday and I'd like everyone 3 please to bear this in mind for our discussions: what 4 does "professional" mean? Who should be encompassed 5 within that term? Because, obviously, in many 6 instances, a number of individuals wouldn't be included, 7 for example, members of religious communities or 8 congregations. Some of you may have seen the Panorama 9 documentary last night in which it was said that 10 institutions like the church can't be relied on to 11 police themselves. Yet the question remains as to where 12 they fit into the idea of professionals or, indeed, if 13 they do at all. 14 And also, what consequences or sanctions might there 15 be for failing to report knowledge or suspicion of child 16 sexual abuse? What are the reasons for not having 17 a mandatory reporting duty? 18 So today I'd like the sessions to be almost entirely 19 discussion-based. We will, as usual, come to the public 20 gallery for observations and comments before each break 21 and before the end of the day. 22 We'll try to cover as many people as possible, as 23 always. I will try to come to our CPs first. Please 24 keep observations to observations and comments rather 25 than questions aimed at individuals.</p> <p style="text-align: center;">Page 4</p>

<p>1 Again, we don't want to spend the day venting 2 specific grievances or concerns, it's not about 3 criticising individuals or organisations, and the 4 seminar is live streamed with a short delay. 5 Please do remember that if you inadvertently mention 6 any individual or organisation, we may have to stop the 7 live feed. Equally, we can, and will, pause the feed if 8 anything I consider to be a sensitive matter comes up. 9 Please be aware that some of the views that may be 10 expressed or some of the topics may be controversial or 11 distressing, but we have to. It's the inquiry's role to 12 consider all the topics and it's important that we hear 13 a range of views and that speakers are free to express 14 themselves. Please allow them to do so. 15 As you know, the support staff are available if 16 anyone needs them. 17 And remember, we do have a duty of care, if anything 18 is disclosed to support staff or anyone here, that leads 19 us to believe that there is a child protection concern, 20 or that someone is at risk of serious harm, we will have 21 to pass that information, together with your details, to 22 the police or other relevant authorities. 23 Session 3 24 MS KARMY-JONES: I want to start looking at reporting. Our 25 next session deals with reporting of child sexual abuse</p> <p style="text-align: center;">Page 5</p>	<p>1 in England and Wales, but I want to start with the 2 question I asked you to consider overnight, because 3 we've talked a lot about the impact of mandatory 4 reporting and that's something that comes up, doesn't 5 it, what's the impact going to be? But what are the 6 other considerations against mandatory reporting? What 7 are the other considerations against? Those of you who 8 are for, please think about this. Would anyone like to 9 comment on that? Yes, Noelle? 10 DR BLACKMAN: I think my biggest concern is knowing what 11 will happen once the report is made and, until we start 12 to have a little more clarity about what that would look 13 like, that still concerns me. 14 MS KARMY-JONES: Okay. So does anyone have another comment 15 about what the rationale is against? Michelle? 16 MS DENNY-BROWNE: I think we have to have a level of sort of 17 like hope as well and trust in the services, the 18 statutory services, once the report has been made. And 19 I think that's really important. How do we know that 20 the services are going to be able to support the level 21 of reporting that might happen if it's mandatory? And 22 that has to -- that has to happen, we have to make sure 23 that we've got a good relationship with police and with 24 other statutory bodies to make sure that is successful 25 because the most important thing is the young person,</p> <p style="text-align: center;">Page 6</p>
<p>1 the survivor. 2 Also, I think I just -- one of the things that 3 I wanted to say was about choice as well. When we're 4 speaking, we're speaking mainly about young people, 5 young children, but teenagers are also involved in this, 6 and it's their journey and it's their choice. We ask 7 children to make choices about different things, 8 for example, we have the Gillick Report and competencies 9 and we have Fraser guidelines and we use those to give 10 children and young people a choice about what they want 11 to say and do about their lives. I think we need to 12 think about this more like that and give people a choice 13 to disclose their own journeys, because we don't know 14 what's behind every door, everybody's life is slightly 15 different. 16 There are many reasons for disclosing and for 17 non-disclosure, and I think that all of those things 18 need to be taken into consideration before you can make 19 a choice. 20 MS KARMY-JONES: Right, okay. That's interesting, because 21 there are a lot of arguments that appear to be about the 22 consequences and resources, but less so about the 23 principle of whether it's right to impose a mandatory 24 reporting duty on everyone and that one seems perhaps to 25 go more to the principle than the consequence.</p> <p style="text-align: center;">Page 7</p>	<p>1 Katy Willison, do you have any comments on that? 2 I think you wanted to raise a point about disclosure 3 yesterday. 4 MS WILLISON: I actually had a couple of different points to 5 make and I also have some points to make about 6 disclosure. 7 I thought it might be helpful to reflect on some of 8 the points that were made to the government after its 9 consultation, because there were various points made 10 both for and against mandatory reporting and, actually, 11 the first of those does, I think, play a little bit more 12 into the principle of mandatory reporting rather than 13 some of the practicalities. 14 I realise this may be quite a challenging thing to 15 say but I think it is important that the inquiry hears 16 some of these things as much as others and I think one 17 of the points that was made to us as government is that, 18 as we heard from Professor Mathews yesterday, one of the 19 consequences for mandatory reporting, certainly in some 20 countries, if not all, is a significant increase in the 21 number of reports made and, therefore, a significant 22 increase in the number of investigations that are 23 carried out. Many of those are substantiated, many are 24 not. So one of the consequences of mandatory reporting 25 would be that society would effectively be saying that</p> <p style="text-align: center;">Page 8</p>

<p>1 it is justified for the state taking a greater role in 2 looking at family life and looking at the acceptability 3 of private family life. 4 For some people, that is absolutely justified by the 5 severity of the abuse that is suffered, but there will 6 undoubtedly be cases, as we discovered from those 7 statistics from Professor Mathews, where those 8 investigations either do not lead to being substantiated 9 or, in some cases, you know, I am sure do not lead to 10 significant further action. 11 So if we do have mandatory reporting, we have to 12 accept that we are effectively saying we are comfortable 13 with the state taking that greater role in family life, 14 and while, in this room, I am sure many people would be 15 absolutely happy to say that, we also know that there 16 are many times when people do feel that social workers 17 invade family life unreasonably and take actions that 18 people are very unhappy about. So one of the factors 19 that we think we have to balance around the principle of 20 mandatory reporting is that happiness, that 21 comfortableness, with the state taking that role and 22 I think it's important that we take that into account 23 here. 24 The other points that I wanted to raise I think are 25 less of principle and more around practice, and we</p> <p style="text-align: center;">Page 9</p>	<p>1 touched on this briefly yesterday. This was around the 2 fact that mandatory reporting would effectively override 3 professional judgment and make it a legal requirement 4 for any professional on whom the duty bit to report. 5 The reason I wish to raise this -- as I said, we 6 touched on it briefly, but I don't think we considered 7 it very fully -- was that one of the overriding 8 principles that we are certainly trying to bring into 9 the work that we are doing around social work practice, 10 is to try and make social work practice less about 11 ticking boxes and more about exercising good 12 professional judgment. This was the advice of 13 Eileen Munro who carried out a review of social work 14 practice back in 2010, that found that ticking boxes was 15 actually inhibiting the focus on the child, it was more 16 about -- I think somebody quoted this yesterday -- 17 "doing things right, rather than doing the right thing". 18 What she called for was a reduction in the rules set 19 by national government and a stronger focus for 20 professionals to do excellent practice and to work well 21 themselves. 22 Now I realise that operates more successfully in 23 circumstances where we are talking about professionals 24 operating well as opposed to in circumstances where we 25 see -- and there have been these times, where there has</p> <p style="text-align: center;">Page 10</p>
<p>1 been, within institutions, a desire to cover up, but one 2 of the things I think it is important that we explore is 3 the impact of setting more national rules and what that 4 would do for practice across the whole piece. 5 MS KARMY-JONES: Can I just ask one question and then I'm 6 going to go to Mr Perry for a comment on that. 7 In terms of the first point you made about, how 8 acceptable is interference or intrusion in private 9 family life, doesn't the state, in the context of child 10 sexual abuse, seek to do that anyway? 11 MS WILLISON: Absolutely. Sorry, I'm not trying to say we 12 don't do that. It would be, because you would have 13 significantly increased numbers of reports, you are 14 effectively -- you would have an increased number of 15 investigations. So I'm not saying this is right or 16 wrong, I am saying it is a consequence of it that we 17 should take into account. 18 MS KARMY-JONES: Okay. Mr Perry, Tom? 19 MR PERRY: Good morning. Well, there's some interesting 20 bits there that really just need to be unpicked a bit, 21 Katy, I'm afraid. 22 The first one is that we're talking -- we're back 23 into this language of professionals again; okay? 24 I noticed we're talking about professionals in the 25 school and we're talking about professionals at the</p> <p style="text-align: center;">Page 11</p>	<p>1 local authority. 2 So let's just separate this out -- okay? -- because 3 we can then see where the government has introduced mass 4 confusion in its consultation and I'm very keen that we 5 get this sorted out for once and for all. 6 The consultation was grounded on amendment 43 7 Walmsley's amendment, that amendment sought to introduce 8 mandatory reporting to regulated activities. Social 9 workers are not regulated activities, they're not 10 defined as regulated activities. It excluded social 11 workers. We're not seeking that social work, to use 12 the, you know, usual term so often rolled out, tick 13 boxing, what we want is staff in regulated settings who 14 are not professional social workers but are professional 15 teachers, sports coaches, et cetera -- okay? -- to 16 report to those people who can do something about it. 17 This is a very simple principle. 18 And as for Munro -- okay? -- and Munro's 19 recommendations, let me tell you, when Munro's review 20 was announced, I got in contact with her office -- 21 I still have the e-mails, they're most interesting -- 22 because I was very interested to see where this was 23 going to go; okay? You know, big hitter arrives, "Well, 24 let's have a look and see where this is going to take 25 us". Well, it took us very little distance indeed,</p> <p style="text-align: center;">Page 12</p>

<p>1 because what happened was, for regulated activities -- 2 I'm exclusively regulated activities; okay? Munro's 3 recommendations started at the point when a referral is 4 received at the local authority and not before. So it's 5 nothing to do with regulated activities. And quite how 6 so many people who have provided submissions to the 7 consultation seem to think that Munro is relevant to 8 what happens in regulated activities is only because the 9 government has decided to Magimix it by using the term 10 "practitioner" to include social workers and the police 11 into their proposals. 12 So I'd just like to get that clarified -- okay? -- 13 because it's germane and it's important. 14 So on that happy note, that's me broken my duck for 15 the day. 16 MS KARMY-JONES: Katy, you've mentioned considerations, 17 you've heard what Tom has to say. Are you able to tell 18 us what the government's current position is on 19 mandatory reporting as opposed to what considerations 20 there are? 21 MS WILLISON: So I think the position is as the government 22 set out in its response to the consultation that Tom is 23 referring to, and I should say that when the government 24 consulted, what we tried to do was look at the broad 25 picture on mandatory reporting and include anybody who</p> <p style="text-align: center;">Page 13</p>	<p>1 might be covered by that and that included the sort of 2 broadest possible brush. One of the options that we did 3 present was regulated activities only. But we tried to 4 make sure that we could consult on the breadth of the 5 potential reporting duty. 6 The consultation was carried out in 2016, the 7 government response was last year. And what the 8 government set out at that point was that it had looked 9 at the responses that we received to that, only 10 I believe it was 16 per cent of those were in favour of 11 mandatory reporting and there was a substantial 12 proportion of the responses that we received that said 13 that they had concerns that mandatory reporting could 14 lead to a position where children were put at more risk 15 rather than that it was helpful. 16 As a result of looking at that, and looking at the 17 academic research, what government concluded was the 18 case was not made at that point for mandatory reporting 19 so it was very clear that we did not believe that there 20 was -- it was not possible to make that case, but that, 21 in response to that consultation, we continued to have 22 concerns that was the risk that introducing mandatory 23 reporting would have more adverse consequences than 24 beneficial ones, and that was because of what we heard 25 from people.</p> <p style="text-align: center;">Page 14</p>
<p>1 So we set out a programme of work that we were 2 seeking to do to try and improve the overall culture and 3 practice within social work and in broader relevant 4 occupations, and we said that we would keep this under 5 review and, indeed, one of the things we would want to 6 hear about is the conclusions of the inquiry and of 7 other examples where it has been introduced, and I look 8 in particular to Wales as an example where they have 9 introduced something and I am very keen to understand 10 what the evaluation of that when that is there and, if 11 need be, once we have heard from those, we will review 12 the position again. 13 MS KARMY-JONES: When you mention abuse, is it specific to 14 child sexual abuse or is it general and encompassing all 15 potential forms of abuse? Could you lean forward a bit 16 to make sure everyone can hear? 17 MS WILLISON: So the original consultation was around all 18 forms of abuse. Unless I think we had new and 19 substantial evidence in the meantime, I think we would 20 be likely to continue to be looking at that, but we 21 would be happy to consider what evidence people are 22 putting to us if they think that is the wrong approach. 23 As I said yesterday, I think neglect is slightly 24 different, but the hierarchies between types of sexual 25 abuse and some physical abuse, particularly when, quite</p> <p style="text-align: center;">Page 15</p>	<p>1 often, those go hand in hand, and the fact that, quite 2 often, when abuse is presented, it's unclear exactly 3 what the form of abuse is, means that we haven't made 4 that distinction up to this point. 5 MS KARMY-JONES: Up to this point, do you think there are 6 any plans to make such a distinction, do you think 7 there's merit in making the distinction? 8 MS WILLISON: Well, I thought I'd just answered that. If we 9 had more evidence or something new arose to make us 10 believe that there was -- for example, from the inquiry 11 or from the example in Wales, perhaps -- but I can't 12 really speak for what ministers might choose to do. 13 MS KARMY-JONES: Okay. Does anyone have any observations on 14 that before we move on? Yes, Rachel? 15 MS DICKINSON: My apologies if this ground was covered 16 yesterday by my colleague Stuart Gallimore, but I think 17 it's quite helpful to think about the amount of activity 18 that currently exists in terms of professionals having 19 conversations about children. I do take the point that 20 has been made about professionals, but over the last ten 21 years there's been a very significant growth in the 22 amount of activity focused on concerns about children. 23 So between 2008 and 2018, the initial contact -- this is 24 flow to social workers -- increased by 78 per cent. So 25 this isn't social workers talking to social workers,</p> <p style="text-align: center;">Page 16</p>

<p>1 this is teachers, members of communities, hospital 2 staff, police staff, raising concerns about children 3 directly with social care agencies. 4 Over the same period, there was an increase in 5 taking initial contacts into referrals, so 22 per cent, 6 and, again, over the same period, the number of 7 section 47 inquiries. So that's a piece of work that is 8 undertaken where there is a concern that a child is 9 being abused -- not necessarily sexual abuse, but being 10 subject to significant harm -- increased by 11 159 per cent. 12 So the last decade, there's been a very significant 13 rise in activity which has focused upon understanding 14 what is happening to children in their lives, and 15 largely, not exclusively, these concerns are being 16 raised by people who are not social workers. That's as 17 a result of shifting in guidance, shifting in 18 understanding of the causes of harm to children, and 19 a shift in the understanding of responsibilities across 20 multiple sectors about what people need to do if they're 21 concerned about a child. 22 Now a lot of that activity already is not going 23 anywhere because concerns are raised, discussed, and 24 professionals -- or a professional talking to a member 25 of the public comes to a solution about what is right</p> <p style="text-align: center;">Page 17</p>	<p>1 for that child. The concern of the Association of 2 Directors of Children's Services is that a system of 3 mandatory reporting will add to that traffic, if you 4 like, into social care agencies, resulting in a shift of 5 resources to talk about concerns that actually are not 6 significant in relation to children. 7 Now I draw an important distinction between people 8 having a general concern about a child and something 9 happening to a child that is detrimental and to which 10 there must be a response. 11 MS KARMIY-JONES: Thank you. 12 I'm going to move on then to ask some questions 13 around religious organisations and then to turn to 14 specific communities such as the black and minority 15 ethnic community. 16 Can I ask this? I mentioned the Panorama 17 documentary and in that it was mentioned by the chair of 18 the Minister and Clergy Sexual Abuse Survivors Group, 19 Phil Johnson and I quote: 20 "We cannot rely on institutions like the church to 21 police themselves. As a result, there should be a law 22 for making it a legal duty for allegations of child 23 sexual abuse to be reported outside of those 24 institutions." 25 Mr Johnson also gave evidence in the Anglican</p> <p style="text-align: center;">Page 18</p>
<p>1 hearings, in which he stated that there should be 2 a mandatory reporting duty in the church or in other 3 institutional situations like this, as did a number of 4 victims, senior clergy and church safeguarding 5 professionals. Those around the table will know it's 6 come up in a number of different instances and a number 7 of different strands. 8 Just looking at some religious community, can I ask 9 Yehudis, right at the end, do you have any observations 10 or comments on, specifically, Jewish communities and the 11 institutions within them? 12 MS GOLDSOBEL: I do and I work closely with people, I work 13 in the Asian community across London and the Sikh 14 community and the Muslim community and we all face the 15 same difficulty and that is the community leaders and 16 elders prioritise the community as a whole over victims 17 of sexual abuse and violence. For them, that basically 18 means that they will sacrifice this child or young 19 person and their disclosure for the sake of keeping the 20 community cohesion and peace and image, so to speak, 21 society, which basically means they will use methods to 22 keep the child silent, some may suggest they go to 23 therapy individually -- that's a good one -- but it 24 won't go any further and, within the Jewish community, 25 the majority of offenders that are known to those in</p> <p style="text-align: center;">Page 19</p>	<p>1 leadership positions, so rabbis, will just be either 2 moved to another school to another setting in another 3 religious youth group or so on and, as we know, sex 4 offenders don't stop when they've just been moved. 5 So by the time you've got these children growing 6 into adults, you've got potentially hundreds of victims 7 who then decide to speak out when this person is elderly 8 or just dying, so yes, it's -- the sacrifice they make 9 is the children and young people that are being abused 10 for the sake of the community is the mentality. 11 MS KARMIY-JONES: That, no doubt, is something that resonates 12 with all who've heard some of the evidence that the 13 inquiry has heard. 14 Do you have any -- what do you think should change? 15 MS GOLDSOBEL: Synagogues and Jewish youth groups need to be 16 put and listed under regulated activities. At the 17 moment, I've been digging for years and I cannot find 18 that they are. And they need to be mandated reporters. 19 The rabbis, the majority of those that lead services or 20 have a congregation do know of offenders, it comes to 21 them at some point in time, and they are sitting -- some 22 of them have been known to be sitting on lists of 23 offenders. So we're talking about serial offenders who 24 are just still within the community, still abusing, and 25 will continue to abuse. But if these rabbis were made</p> <p style="text-align: center;">Page 20</p>

1 to be mandated reporters and face a penalty that,
 2 actually, you cannot sit on a list of offenders, trust
 3 me, they'd sacrifice the offenders for their own sake.
 4 So it would literally change the life of children and
 5 young people in the Jewish community, for sure.
 6 MS KARMY-JONES: Thank you. Does anyone want to make any
 7 observations about that? Michelle? No. Okay.
 8 Are there communities in which child sexual abuse is
 9 less likely to be reported? It's one thing to sit on
 10 a list, but are there communities where there is less
 11 reporting where the community specifically bars
 12 reporting?
 13 MS DENNY-BROWNE: Yes.
 14 MS KARMY-JONES: Okay, I'll have Michelle, then Noelle.
 15 MS DENNY-BROWNE: Yes, I would definitely say that the black
 16 community, the BME community, do not report as much,
 17 there is not -- as we know, there's not a great
 18 relationship between statutory organisations and BME
 19 communities. For a very long time, people have found it
 20 very difficult -- there's lots of issues around shame,
 21 which we've discussed already. But it's very, very
 22 difficult for people to come -- sorry.
 23 MS KARMY-JONES: I was going to say, why is that? Help us
 24 with why that is.
 25 MS DENNY-BROWNE: I think it's cultural. I think, you know,

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1 others to come forward and, you know, actually weigh up,
 2 "Am I going to be on my own with this? Who is going to
 3 support me? Where is my family?" These are all the
 4 issues that people have to consider before they do make
 5 a disclosure and also before they also make a report,
 6 because, if mandatory reporting as well comes in, it's
 7 not just those individuals that are going to have
 8 to weigh up what's going to happen from this.
 9 MS KARMY-JONES: Are there any issues about how reports
 10 might be received if they come from someone from the BME
 11 community? Is there any issue around that? Not just
 12 for the members of the community themselves, but for
 13 those receiving them. What I mean is, is it a kind of
 14 two-way street, are there loggerheads within that in
 15 terms of perception?
 16 MS DENNY-BROWNE: Well, I think the BME community are often
 17 wondering how they are going to be received. Is someone
 18 going to understand the relationship, are they going to
 19 understand the culture, are they going to be able to get
 20 where those individuals are coming from when they're
 21 speaking about the issues of abuse or trauma that
 22 they've encountered.
 23 Are they going to be fully understood, are people
 24 going to really empathise with their journey and what
 25 their suffering is?

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1 in the past, for example, going to a GP was -- sometimes
 2 people wouldn't understand -- this is going back many,
 3 many years -- and it has its roots in history of BME
 4 people being misunderstood around health issues and many
 5 social issues. I mean, we're still having problems
 6 today with the police, and young people, especially BME
 7 young people, so this isn't something that nobody knows
 8 about, it's widespread within Britain and we speak about
 9 it. Nearly every day, on the news, you hear of some
 10 issue resulting from this, so in terms of them engaging
 11 in other services, this is always very, very difficult.
 12 So it's always going to be, you are always going --
 13 I'm sure, when you look at the statistics, you'll
 14 probably have more white people reporting the instances
 15 of sexual abuse and trauma far more than you will from
 16 the BME communities.
 17 Quite often people will stay within their
 18 communities, as Yehudis just mentioned, they protect
 19 their own. As a young person, you know, you grow up and
 20 you're not expected to go and talk about your business
 21 with other people, you would bring shame on the
 22 community. Why would you do that? You know, some
 23 people have been outcast, some people have lost their
 24 family and their friendships because they've made
 25 a report, and so it makes it very, very difficult for

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1 MS KARMY-JONES: From your experience, are they fully
 2 understood? Is there sufficient empathy with them?
 3 MS DENNY-BROWNE: I think there's a long way to go. I think
 4 it's happening and I think there is definitely a shift
 5 and a change, but there is a long way to go. Sadly,
 6 yes.
 7 MS KARMY-JONES: Noelle, you had some observations.
 8 DR BLACKMAN: Yes, I wanted to talk about young people and
 9 children with learning disabilities and/or autism.
 10 I think that often behaviour that may be indicating that
 11 there is something not right in that person's life is
 12 covered up by just a kind of secondary seeing the
 13 disability and just putting it down to the disability --
 14 I've lost my language about what that is. "Diagnostic
 15 overshadowing" is actually the terminology.
 16 Also, I think that often young people with learning
 17 disabilities as adults, the same, are not always seen as
 18 fully human and, therefore, the things that might happen
 19 to other children are not always expected to be looked
 20 out for, for those children.
 21 If there's very sexualised behaviour seen, that is
 22 seen as part of the disability and it needs to be ironed
 23 out within kind of very behavioural measures, rather
 24 than seen as a behaviour that's a communication.
 25 Harmful sexual behaviour amongst young people with

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<p>1 learning disabilities in special schools is often really 2 overlooked and underplayed because nobody knows what to 3 do with it, they feel uncomfortable with it and it's 4 a big issue, so I think that within that community 5 there's a lot of underreporting and a lot of 6 misunderstanding. 7 MS KARMY-JONES: Thank you. 8 Yehudis? 9 MS GOLDSOBEL: I just want to highlight a couple of the 10 myths that are in the Jewish community for sure. You're 11 brought up to not talk to the police and told the police 12 are not on your side and, in fact, a lot of the 13 holocaust comes into it and we're taught how they took 14 the other side, so there is a fear of the police from 15 growing up from as soon as you can start talking, so 16 even if you do disclose, you're not going to sort of go 17 to the police and, if you do, you get repercussions for 18 that because you have effectively snitched on your own 19 community, on another Jew, to the secular authorities 20 and the repercussions of that is you get shunned, you 21 get ex-communicated, you would get fired from jobs, you 22 would get kicked out of schools, and you lose everything 23 you've known, or have known until that time. So it's 24 really a culture in which it, I guess, almost breeds 25 because there is so much silence around any of the</p> <p style="text-align: center;">Page 25</p>	<p>1 agencies supporting children and young people. 2 We do a lot of work with trained, independent sexual 3 violence advisers. Without that role, without that 4 individual supporting some of our clients to talk with 5 the police, they wouldn't work, the cases would not get 6 to court, because there is a massive language difference 7 between the way the police work and behave and people 8 from sheltered communities, the way they talk as well. 9 It's almost like an intermediary, and they are really 10 effective. It doesn't mean our numbers have gone up. 11 When I work with, mostly, the Barnet and Hackney police, 12 because that's where the majority of the Jewish 13 community reside, I think they have had an increase in 14 five cases over the past few years; five. We all know 15 there's a lot more abuse of children and young people 16 happening and these cases most often don't get to court, 17 because the community shuts down around this child and 18 young person and the disclosure. 19 So if we did have people in positions which would 20 take almost a cultural shift that, even if this came 21 into place and we did have mandatory reporting, it would 22 take a number of years for the Jewish community to catch 23 up with it, for teachers to feel supported and empowered 24 to be able to make reports. At the moment, they come to 25 me, and I have to support them in accessing other</p> <p style="text-align: center;">Page 26</p>
<p>1 agencies. 2 But if we did have something like this where they 3 knew this is the boundary, this is where they stood, 4 these are the rights they had, and they were also 5 protected in some way, that actually what they were 6 doing was a law for them as opposed to best practice, 7 and they knew what they needed to do, but sometimes, if 8 you're not supported and you're a learning support 9 assistant or teacher's assistant, you are going to be 10 silenced just as much as a victim is going to be, 11 because, by the time it gets up to the manager, it's not 12 going to go anywhere. So it will take time, even once 13 this does come into play, if it does, for, I guess, the 14 people that are working with children and young people, 15 those that are running the youth groups and the youth 16 services, to feel empowered and protected and to know 17 what the law is and how they're protected as well as the 18 children and young people. 19 MS KARMY-JONES: Is that a reflection on other religious 20 communities that you've worked with as well? Muslim and 21 Sikh? 22 MS GOLDSOBEL: Yes. We can sometimes just change the word, 23 "Muslim", "Sikh", "Jewish" and just put "community" or 24 "closed community", communities that have 25 infrastructures in place to support themselves from,</p> <p style="text-align: center;">Page 27</p>	<p>1 I guess -- I call it "cradle to grave", because they do, 2 and this is the one thing they all fail at epically. 3 You know, there's everything in place as soon as you've 4 had a baby, if you're ill -- they now even talk about 5 cancer just quietly and you get support for that, but 6 when it comes to sexual abuse, it is done on the 7 hush-hush and it's silenced so quickly. As soon as 8 a child has even uttered a word, which wouldn't even be 9 "sexual abuse" or "rape", because they don't know the 10 language, it's silenced so quickly. So it's about -- we 11 work now trying to empower the people around the 12 children to best support the child and a lot of the 13 times that isn't just going to the police or statutory 14 services, it's working with them to then get to that 15 point of reporting it. 16 It's a bit of a slow road and I don't think this 17 would drastically change overnight, but it then just 18 means that the next generation of children would have 19 people in place who are protected, are bound by law, to 20 be able to take that disclosure or whatever it is the 21 child might have said or drawn, and go to some agencies 22 that could help them and support them, whereas now 23 they're not going to other agencies. 24 MS KARMY-JONES: Michelle, I think I saw you nodding there. 25 Do you agree that this benefit would be seen in BME</p> <p style="text-align: center;">Page 28</p>

<p>1 communities as well? 2 MS DENNY-BROWNE: Definitely, definitely. But all of 3 this -- and everything that Yehudis said is correct, but 4 what is needed is the financial support, and I hate to 5 bring funding to the table, which we're all probably 6 sick of hearing, but, actually, the money needs to be 7 there. I mean, even within services like IAPT, who can 8 go straight to the GP, you have your 6 to 12 sessions, 9 and then, after that, you're sent off. You mention 10 sexual abuse and you're sent somewhere else, they don't 11 work with it. So they send it to other agencies like 12 One in Four, who respond and who are, you know, managing 13 on a shoestring, and they are expected to give the 14 support that is necessary for an individual to go 15 through that. That's parents, that's family, that's 16 advocacy support. All of that takes money and time and 17 good professionals in the background working with that 18 to support them and, actually, that's not happening, and 19 my -- one of my biggest concerns is, what is going to 20 happen? You know, we're already struggling. We're 21 struggling with young people, with the sexual violence 22 around young people, we're struggling within families, 23 we're struggling with the statutory organisations. 24 Where is the money going to come from to support 25 everybody and to give everybody exactly what they need</p> <p style="text-align: center;">Page 29</p>	<p>1 to get through this? It's a big problem and we need the 2 money. 3 MS KARMY-JONES: Thank you. 4 Yes, Anna? 5 MS COLE: I want to echo that, from the point of view of our 6 members, I sent an e-mail last year about social care 7 and social care getting involved when teachers do make 8 reports. We have an elected council of 60 members 9 across the country and, within 3 hours, about a third of 10 them had replied with really awful stories, which I have 11 sent to the DfE, but that is absolutely what we're 12 hearing. So schools, as well, are experiencing funding 13 cuts of around 8 per cent and -- I mean, there was 14 a report on Channel 4 news about poverty in schools last 15 night as well, so schools are being asked to do more 16 with less, but they are also saying to us that they are 17 making reports and then having to leave cases because 18 social care just don't have the capacity. 19 MS KARMY-JONES: Thank you. Tom? 20 MR PERRY: May I just come back on this non-reporting 21 business and get us back to that, if I may, please -- 22 and religious settings -- and religious settings; okay? 23 MS KARMY-JONES: Okay. 24 MR PERRY: Of course, all these settings offer the one 25 thing, the Holy Trinity -- and I'm sorry to be religious</p> <p style="text-align: center;">Page 30</p>
<p>1 on "Holy Trinity", but the Holy Trinity it is -- power, 2 secrecy and opportunity. It was very interesting that 3 in the Catholic hearing, Jane Dziadulewicz, who is 4 a social worker and looks after -- I have an extract of 5 what she said here -- and looked after the Diocese of 6 Bristol when she got involved in the Downside School 7 case -- I'm not going any further into that, I'm just 8 saying that's what she was. She said here she thought 9 that there needs to be some sort of body that holds the 10 church accountable which could result in financial 11 finds, criminal sanctions. This is a lady who, as it 12 were, dare I suggest, has crossed to the dark side of 13 mandatory reporting, I'm pleased to say, and she is now 14 really quite supportive of it for clearly obvious 15 reasons, because, in very simple terms, when you're in 16 a setting where the default is to keep it quiet, you are 17 a very lonely spirit, and people forget this. 18 Next, and coming back to be on topic, 19 Ms Karmy-Jones, we have the Diocese of Canterbury 20 here -- this is rather interesting, this is their 21 response. No other part of the Church of England put in 22 a submission to the reporting and acting on child abuse 23 and neglect, quite why, goodness knows, but I thought 24 I would read this bit out from the Diocese of 25 Canterbury -- I must in all fairness say that the</p> <p style="text-align: center;">Page 31</p>	<p>1 Diocese of Canterbury actually is the Archbishop of 2 Dover as opposed to the Archbishop of Canterbury -- 3 don't ask me, it's one of these clubby things, you know? 4 But here is the thing, this is what it says, and I got 5 this checked, because, to be frank with you, this was 6 completed online from Turkey, so I thought it looked 7 pretty hooky, to be frank with you, so I wrote to the 8 chair of the Safeguarding Board and I said, "Look, is 9 this yours?" He wrote back very charmingly and said 10 "Yes", and this is what it says, very brief: 11 "Organisations like the church need to understand 12 the importance of reporting. They won't get it unless 13 it's mandatory." 14 Now that's from the Diocese of Canterbury and, 15 frankly, I think we all ought to be absorbing that. 16 That's what it is, they won't get it. 17 MS KARMY-JONES: Thank you. Paul, I think you had 18 a comment? 19 MR STEWART: Yes, it was from Michelle and Yehudis's 20 minorities. I think it's very difficult then for the 21 statutory bodies to be able to do an awful lot about 22 cultures that are being brought up not to speak to the 23 police, and it's very difficult to find a way of how we 24 can bring that culture around so that they feel 25 comfortable to be able to speak to the police, because,</p> <p style="text-align: center;">Page 32</p>

<p>1 if it's inherent that they are not to talk, then there 2 are children at significant risk, I would say, because 3 we are, for want of a better word, covering that problem 4 up. 5 The second point was really -- and I think it's 6 going back to thinking about the homework we were given 7 last night regarding against -- what really does concern 8 me is, if mandatory reporting was brought in at this 9 moment in time -- and when Dr Mathews talked about 10 Australia, whose economic standing is far better than 11 what we've got in the UK, therefore I'm sure they would 12 have put an infrastructure in prior to bringing in 13 mandatory reporting that can cope with the -- the 14 reports that come out, whether they are founded or 15 unfounded. 16 Here, I just think it's very, very important, 17 looking at the end-user, which is the child, that if we 18 do bring something in, then we have been very careful to 19 think of how we have a strategic understanding of what 20 we're actually opening up to here and the statutory 21 bodies can cope with substantiated and unsubstantiated 22 claims of sexual abuse. That, for me, would be very 23 concerning at this moment in time. 24 MS KARMY-JONES: Okay. Turning to Ben Mathews, I just 25 wonder, Ben, can you help us with how much you've looked</p> <p style="text-align: center;">Page 33</p>	<p>1 into the impact on certain communities and some of the 2 issues that have been raised by Paul? 3 PROF MATHEWS: In terms of the economics, I understand 4 Paul's point and I understand the concern or the 5 question that everyone may have about how much 6 resourcing would be required. 7 A few points I'd make in response to that. 8 First of all, yes, Australia, generally, is 9 a relatively wealthy country, however, each of our eight 10 states and territories has its own child protection 11 system, some of those states and territories are 12 wealthier than others, each of them have been faced with 13 the same resource issues and they've each chosen -- 14 they've made an active ethical choice that children's 15 rights to safety and to protection from sexual abuse are 16 sufficiently important to demand investment in proven 17 policy responses. End of story. 18 This is a policy question that governments must 19 engage with and they make decisions about what they deem 20 to be of sufficient importance to merit investment. If 21 you are faced with overwhelming evidence about the 22 success of a policy response and choose not to engage in 23 it, but to put your money elsewhere, then you are 24 prioritising those other areas over this one. 25 MS KARMY-JONES: Can I just ask --</p> <p style="text-align: center;">Page 34</p>
<p>1 PROF MATHEWS: I'll just -- 2 MS KARMY-JONES: I thought you'd finished, go ahead. 3 PROF MATHEWS: Yes. There are aspects of this dimension 4 which we should be careful to distinguish as well. If 5 you are only going to introduce mandatory reporting for 6 child sexual abuse, as we saw yesterday, the burden on 7 the system both in terms of numbers of reports and the 8 financial resources required to respond to them, is far 9 less than if you introduce it for any of the other forms 10 of maltreatment; okay? 11 Some of the earlier speakers today were conflating 12 consequences of all kinds of reporting for all kinds of 13 maltreatment with just sexual abuse. It's very 14 important to distinguish sexual abuse from the other 15 forms of maltreatment for the purpose of our 16 discussions. 17 Now, some of the costs involved in responding to 18 child sexual abuse reports are actually quite low, so in 19 terms of intake and assessment of reports, they're quite 20 low. The greater cost is in responding to more serious 21 cases after the report is made. 22 Other aspects of the system such as implementing 23 sector-wide education of professionals can be done quite 24 economically. That's been shown in multiple countries 25 and I've been involved in those efforts in the</p> <p style="text-align: center;">Page 35</p>	<p>1 United States and in Australia, so that can be delivered 2 to professions quite economically. 3 The only other point I'd make there connected with 4 the point I made earlier about policy decisions and the 5 relative weight to which you give, say, child protection 6 from sexual abuse to other matters, in your country you 7 find £40 billion every year to spend on defence. I'm 8 not sure what your child protection budget is, but the 9 fact of the matter is that, if you choose to respond 10 well to sexual abuse, you can find the money, your 11 government can find the money. Okay? 12 MS KARMY-JONES: Thank you. 13 PROF MATHEWS: Again, the costs downstream, the savings 14 downstream, far outweigh the small, initial investment. 15 MS KARMY-JONES: Katy, it may come as no surprise I'm going 16 to come to you on what's just been said. You have 17 heard, firstly, Ben talking about the conflating of 18 types of abuse, the child sexual abuse, which is 19 something we spoke about earlier this morning, and also 20 a serious question: how much of the government's 21 position actually really comes down to funding as 22 opposed to justifications around the rights to a private 23 life? 24 MS WILLISON: Okay, so on the first point around the focus 25 on child sexual abuse, I think I would be really</p> <p style="text-align: center;">Page 36</p>

<p>1 interested in understanding more the point around how, 2 when people are first considering that there is a risk 3 that a child is being abused, that they can make that 4 distinction between the type of abuse. So as I said, 5 the government doesn't have a principle here, other than 6 that that hierarchy is challenging when people, you 7 know, who have been physically abused still have 8 devastating consequences in their long-term life. 9 But there is the practical point there around how 10 people make that differentiation and perhaps there is 11 some evidence from Australia around the guidance that is 12 given to people, around what to report and what not to 13 that we can learn from and we would be very happy to do 14 that. 15 So that's something I think would be worth exploring 16 more, perhaps not in the context of this seminar, but 17 more offline. 18 MS KARMY-JONES: Ben's details. 19 MS WILLISON: Absolutely. I think on the point around 20 funding, the first thing I would say is that I work in 21 the Department for Education, I'm not a Treasury 22 official where, you know, the Treasury and the 23 Chancellor makes overall decisions around the 24 distribution of money and how much money is put into 25 different parts of the economy and parts of the public</p> <p style="text-align: center;">Page 37</p>	<p>1 sector. I don't believe that the government made this 2 choice because of financial constraints. It was one of 3 the things it looked at because, when government does 4 a consultation, it is obliged to carry out an impact 5 assessment. And that impact assessment, we are required 6 to look at what the cost of policy is. It's simply good 7 policy making to do so. But I don't believe that 8 ministers took the decision, and certainly the advice 9 that we gave them was not based on, "This has 10 a difficult financial consequence and, therefore, you 11 should not do it", it was looking at the whole arguments 12 in the round and the risk of detriment rather than 13 benefit. 14 MS KARMY-JONES: Thank you. Tom? 15 MR PERRY: Yes. We have an article on our website from 2015 16 "Why successive governments" -- no, "Successive 17 governments flee mandatory reporting on the mistaken 18 grounds of cost". We also evidence how we arrived at 19 this conclusion. And it -- because mandatory reporting 20 will have an impact -- okay? -- providing it is well 21 designed mandatory reporting, of course. That's the 22 other caveat which is very important with government, 23 because government does intend to design law that works. 24 So if it works, if it were to work, it of course is 25 going to impact the local authority, it's going to</p> <p style="text-align: center;">Page 38</p>
<p>1 impact police child abuse investigation units, it's 2 going to impact the courts and, of course, the courts, 3 I think, in 2015, asked for an extra 50 million to 4 prosecute all the balloon in non-recent cases -- the 5 article is on our website, you will able to see it. 6 Then, of course, it's going to impact prisons. This is 7 actually rather important, because prisons, the 8 occupancy of prisons -- I used to work in the leisure 9 industry -- was obsessed with occupancy. Occupancy in 10 prisons is 84,500 out of 85,000, so there's really not 11 much room to play and, of course, the final thing that 12 any senior executive in the DfE can say to the minister 13 is "Minister, your legacy will be one of costs, you will 14 be one of Britain's biggest builders". Of course, that 15 doesn't encourage the minister to do too much other than 16 sit on his hands, understandably. If I can just come 17 back to something that was said earlier by Katy, and 18 that is the matter of recommendations from government 19 stemming from the consultation. It is most interesting 20 what those recommendations were, because they actually 21 all involve, once a referral has been received, not how 22 a referral gets out of the regulated activity to the 23 local authority, the recommendations are most certainly 24 welcome; okay? Most certainly welcome. 25 But how -- the consultation has not helped in the</p> <p style="text-align: center;">Page 39</p>	<p>1 slightest referrals get out of the regulated activity. 2 So it's rather self-defeating. We're back into this 3 thing again of everything being dominated, once again, 4 by social work practice. I mean, that's the problem we 5 have with the entire safeguarding framework. It is -- 6 it is dominated by -- and built on social work practice 7 to the family, and then misapplied to regulated 8 activities where it cannot possibly function 9 effectively. 10 MS KARMY-JONES: Thank you. 11 Anna, you had your finger up a moment ago, was there 12 something you wanted to add? 13 MS COLE: Just moving on from what our members are telling 14 us, which is that they are making reports and they're 15 finding it difficult to get social services to become 16 involved because of capacity, and I think it's the fear 17 that our members have around vulnerability, so I agree 18 it needs to be well designed, but vulnerability makes 19 children really vulnerable -- all sorts of vulnerability 20 to child sexual exploitation and criminal exploitation, 21 and that's a huge worry for our members at the moment. 22 MS KARMY-JONES: Thank you. Albert, you also had your 23 finger up. I want to move to another topic, but can you 24 give us a short comment? We will be coming back to you 25 later.</p> <p style="text-align: center;">Page 40</p>

<p>1 MR HEANEY: Thank you very much. It was really on the cost 2 issue. You know, cost is not a reason to make 3 a determination around this. It really isn't. That 4 would be a very bad point to make. So I think from 5 a kind of -- whether it's from a government position or 6 from an agency position, you know, the argument isn't 7 about cost.</p> <p>8 Also, when we talk about the money, following the 9 money, we're talking about people, we're talking about 10 children we're talking about their lives, so there's 11 a tremendous amount of resource that we spend as 12 a society on our prison population and other services, 13 whether it be mental health -- so we're really getting 14 into, you know, what can we do to be a better, safer 15 community than we've got to look at it within the round. 16 So that's my short answer to what I was going to say.</p> <p>17 MS KARMY-JONES: Thank you very much.</p> <p>18 It sort of ties in with the question that we asked 19 yesterday and began with today, which is, let's look at 20 the principle of mandatory reporting and most of the 21 arguments against, or largely the arguments against, may 22 be seen as consequences of rather than principle. So 23 if, during the course of the day, people consider 24 arguments on principle, then let us know.</p> <p>25 Rachel?</p> <p style="text-align: center;">Page 41</p>	<p>1 MS DICKINSON: I did want to make a comment which related to 2 the observation that this was all about social work 3 practice and that is to suggest that local areas are 4 charged with having partnerships in place which are 5 geared towards understanding risk within their local 6 area and working collectively to support children to be 7 safe. These were known as Local Safeguarding Children 8 Board Partnerships; they are now known as Local 9 Safeguarding Partnerships. Their responsibility is to 10 think about how the range of professionals and local 11 communities collectively contribute to working towards 12 supporting children to be safe and, at their best, they 13 take those issues to local communities in their defined 14 areas regularly to have conversations about what 15 safeguarding is, to raise awareness, to bring to the 16 fore issues in relation to children's safety.</p> <p>17 So I just wanted to broaden out that perception that 18 responding to concerns and identifying concerns is 19 social work business. It is, of course, social work 20 business, but it is everybody's business too.</p> <p>21 MS KARMY-JONES: Thank you. Right, I want to move on to 22 a comment made by a gentleman in the public gallery 23 yesterday about collusion between so-called 24 professionals or practitioners and, as we said at the 25 beginning, we want to take some care about that word and</p> <p style="text-align: center;">Page 42</p>
<p>1 about the culture that there is around reporting in the 2 workplace or within other types of institutions. We've 3 touched on it to some extent already within the BME and 4 the Jewish and other communities, but can I ask, is it 5 common within your collective experiences to hear that 6 professionals -- I'm going to use the word 7 "professionals" -- have known about suspected abuse but 8 have deliberately not reported it? Let's take it 9 outside of the religious communities. But, Rachel, from 10 your experience, Serious Case Reviews, is it common? Do 11 you come across this?</p> <p>12 MS DICKINSON: No, I don't. What I do come across is 13 a failure to understand, a failure to report concerns 14 about children earlier, which plays into the discussion 15 we were having earlier about children whose lives are, 16 to use the word, more hidden from the state, but 17 I don't -- I have not read a Serious Case Review where 18 there's been a failure to report an incidence of child 19 sexual abuse.</p> <p>20 MS KARMY-JONES: Anna, teachers? Simon?</p> <p>21 MS COLE: No, again, that's not something I've heard either.</p> <p>22 MS KARMY-JONES: Would you agree with the idea that there 23 might be a failure to understand, a failure to perhaps 24 pick up on signals or identify them?</p> <p>25 MS COLE: I think there's been huge changes in the way that</p> <p style="text-align: center;">Page 43</p>	<p>1 schools do safeguarding and the safeguarding culture and 2 I obviously hear -- you know, I'm working with lots of 3 members who are putting in place and using safeguarding 4 culture to really do great stuff in their schools, so, 5 no, I'm not hearing that, but obviously I do then hear 6 of other cases. But I said yesterday I think we need to 7 really distinguish between wilful failure to disclose 8 when you know something and other cases, but no, not my 9 experience.</p> <p>10 MS KARMY-JONES: All right, Simon, chip in now. I was just 11 going to say, is there ever a sense that, for example, 12 people don't want to believe and so don't explore?</p> <p>13 MR NATHAN: I mean, I'm not sure on that point you just made 14 but in general, I mean, I would agree with Anna that the 15 culture increasingly over the years in schools is that 16 there are procedures in place and you should be doing 17 the reporting. I guess this also in some ways comes to 18 the question of how effective mandatory reporting would 19 be. And you know, part of the question I was thinking 20 about yesterday after the presentations from 21 Professor Mathews is actually, you know, the laws in 22 Australia have seen an increase in reporting, but 23 actually, what were those reports? Were they things 24 that -- perhaps low-level things that weren't being 25 noticed before, people then reported them and that led</p> <p style="text-align: center;">Page 44</p>

<p>1 to something which in itself would be a good thing? If 2 there are scenarios where people in authority did know 3 something that was going on but they weren't reporting, 4 I don't have the answer to this question but my question 5 would be, would mandatory reporting -- you know, would 6 that make them act differently if they weren't -- if 7 they were wilfully not reporting? 8 MS KARMY-JONES: Do you think that might depend on the 9 structures put in place for education, for 10 understanding, for better understanding? 11 MR NATHAN: I think training is important. If there was 12 a mandatory reporting system, we would certainly favour 13 one which was an organisational level system where it 14 was up to individual teachers to do the reporting, but 15 if something went wrong, then the focus went back on the 16 organisation, so the impetus was on the organisation to 17 make sure either it was doing the right thing or to make 18 sure that it had -- it was focusing on education within 19 the school to constantly build up that culture of 20 awareness. 21 MS KARMY-JONES: Ben, have you got any observations on that? 22 PARTICIPANT: Yes, a couple of points just to respond to 23 Simon's point first. 24 There have been studies comparing reporting practice 25 under policy-based obligations versus mandatory</p> <p style="text-align: center;">Page 45</p>	<p>1 reporting law-based obligations and they have found 2 increased and changed reporting practice under the legal 3 reporting obligations. Some of those were referred to 4 yesterday in the presentation when discussing the 5 Victorian Parliament's decision to introduce mandatory 6 reporting legislation. As well, there have been 7 qualitative studies done with reporters who were at the 8 time under only a policy-based obligation. They were 9 asked, would they report certain cases if they were just 10 under a policy-based obligation, and they gave certain 11 answers. 12 Then they were asked if they would report those same 13 cases -- which were deserving cases of sexual abuse, by 14 the way -- if they were under a legal obligation and 15 their answers changed in the affirmative; okay? So 16 there is some of that evidence. 17 To answer your question, Riel, about collusion in 18 institutions, there are a multitude of instances of this 19 from Australia and overseas, but many of these in 20 Australia were investigated by our own Royal Commission 21 into Institutional Responses to Child Sexual Abuse. So 22 the kinds of institutions that they found this occurring 23 in was schools, especially private schools, who were 24 wanting to protect their public image and their 25 reputation, as well as religious settings, particularly</p> <p style="text-align: center;">Page 46</p>
<p>1 the Catholic Church, but not only the Catholic Church, 2 and other sports settings, so particularly with 3 prestigious sports clubs that might have had 4 high-profile coaches, for example, who were of high 5 value to the institution. People knew what was 6 happening but they did not want that person to be 7 revealed as an abuser. So some of those institutional 8 settings are ripe for collusion and cover-ups. 9 MS KARMY-JONES: Almudena? 10 MS LARA: Hi, I was going to go back to the point of whether 11 teachers and professionals know enough, I think we 12 should not be complacent, I think we need to focus on 13 gaining a better understanding across all professionals 14 of the impact of trauma and how trauma manifests itself. 15 Of course, when you look at best practice, things 16 are going and working really well, as Anna was alluding 17 to, but we cannot deny the fact that, actually, a lot of 18 professionals still need to gain a better -- a more 19 sophisticated understanding of how trauma manifests 20 itself, and trauma manifests itself in very different 21 ways, and the point being made by Michelle, and also 22 Yehudis, about it might manifest itself differently for 23 different communities -- also, Dr Blackman made the 24 point about it manifesting differently for children with 25 learning difficulties.</p> <p style="text-align: center;">Page 47</p>	<p>1 So we would advocate -- we would be advocating for 2 more training and more support to be given to 3 professionals so that they are actually better able to 4 spot the signs of abuse. 5 If you have a requirement to report that is not 6 supported by more training for professionals, I think we 7 risk creating a situation where professionals become 8 unclear, insecure and that might result on more risk 9 aversion. So reporting those cases that are low 10 level -- that make professionals uncomfortable, but not 11 for a particularly good reason, and that investment is 12 absolutely crucial. 13 I also wanted, if I can, to talk about the wider 14 conditions for children to talk and reach out to 15 professionals. So some of the research that we carried 16 out with young people indicated that some of the 17 barriers for them to talk to people is not having 18 anybody to turn to; the other is not understanding that 19 they are being abused; and the third is being afraid and 20 embarrassed. 21 So what we need to do is also in addition to create 22 or to strengthen the requirements on professionals, to 23 report, we need to create the conditions where actually 24 children know that they can turn to an adult and they 25 don't feel embarrassed by it, because groomers and</p> <p style="text-align: center;">Page 48</p>

<p>1 abusers actually feed into that sense of embarrassment 2 and we can -- we need to be able to talk openly about 3 abuse and the consequences of abuse in schools, through 4 relationship and sex education and make it clear to 5 children that this is nothing for them to feel 6 embarrassed about and that they can turn to trusted 7 adults that will take the right action. 8 On that point, the fourth thing that might prevent 9 children from reaching out to adults is the fear of the 10 consequences of speaking out. So that's where we were 11 talking before about what's the service response and how 12 that is managed and that needs to be positive for the 13 young person. 14 I also want to make the point that in saying this, 15 I am by no means saying that it is the responsibility of 16 the child to take control over their own disclosure, 17 I think the point that I made first was that, actually, 18 the adults around the child need to be better equipped 19 to support the child, and sometimes that might require 20 pushing the boundaries with children. Children might 21 feel that they don't want certain actions to be taken 22 for them, because that's the result in many cases of 23 grooming, but the adults around them need to be equipped 24 to help the child as well and, with the child, take the 25 best action for that child.</p> <p style="text-align: center;">Page 49</p>	<p>1 MS KARMY-JONES: Thank you. 2 Can I go to Sharon first? 3 MS BURTON: Yes, I just -- 4 MS KARMY-JONES: You had an observation? 5 MS BURTON: Thank you. It's just quite striking to me that 6 some of the examples that have been given, both about 7 religious and community settings, that of course one of 8 the sets of adults who are likely to be able to play 9 a role are the health professionals who will be engaging 10 with children. I think certainly, from what we've 11 heard, health professionals' questions around mandatory 12 reporting -- and I wouldn't put it stronger than that -- 13 questions about how mandatory reporting might impact, 14 has been about the current need that exists for more and 15 better education and training, I think in particular 16 around being able to understand the needs of children in 17 huge diversity of need that exists as well as the sort 18 of individual needs that any particular child, victim, 19 might have. 20 So the education and training that's necessary to be 21 able to recognise and respond effectively, as the health 22 professional, and the extent to which one is impacted 23 by, actually, just systems under pressure, just the time 24 available to be able to train as being something that 25 would need to be attended to, but also the access to</p> <p style="text-align: center;">Page 50</p>
<p>1 some of that specialist resource which Professor Mathews 2 I think emphasised in his presentation that one of the 3 things that seems to make mandatory reporting effective 4 is where there are these specialist services that are 5 able to respond rapidly to a report. So it's not just 6 the reporting, but it's the ability to respond at pace 7 not only to investigate, but to sort of wrap the right 8 support around the child. 9 Then I think the final thing, which is also 10 something we hear from health professionals, is about 11 where staff are, if you like, more junior in 12 an organisation, certainly we're not hearing today about 13 instances of, if you like, wilful attempts to shut 14 people down and stop people reporting, but we do hear 15 about cultures where, on a range of issues, staff that, 16 if you like, are lower in the hierarchy do find it 17 difficult to raise concerns, and this can include 18 concerns about children and others who might be at risk. 19 So there is a great deal of work that's happening 20 now to look at the sort of institutional cultural issues 21 and what can be done to create cultures where speaking 22 up about not just patient safety issues, which I think 23 is where people usually go, but concerns about how 24 professionals are or are not meeting their 25 responsibilities and to vulnerable patients and within</p> <p style="text-align: center;">Page 51</p>	<p>1 the organisation. 2 So I think there is a lot of work to be done there 3 but that, too, also needs that investment of resource 4 and attention to make sure that professionals in the 5 health sector, in particular, where I think all of these 6 issues might in a sense appear, to be able to respond 7 effectively and the question is, will mandatory 8 reporting on its own ensure that those sort of resources 9 are put in place. 10 My understanding -- I hope it's right -- from what 11 Professor Mathews has been saying, is that mandatory 12 reporting is just one of a sort of bundle of integrated 13 measures that you would need to have in place to not 14 only identify those cases that are substantiated cases, 15 but to be able to respond at pace to make sure that the 16 child, young people as victims, are getting the support 17 they need. 18 MS KARMY-JONES: Part of an infrastructure I think was 19 the -- I want to just on this point of health 20 professionals and healthcare services go to Moya Sutton 21 of NHS England, because, Moya, I think you were present 22 for a seminar that we conducted on the health sector in 23 September of 2017. At that seminar, you may remember 24 that a number of participants noted concerns around the 25 culture within -- of raising concerns in the healthcare</p> <p style="text-align: center;">Page 52</p>

<p>1 sector, and the importance to develop cultures where 2 workers felt able to raise those concerns and, 3 crucially, not to be penalised for them. 4 Have there been any developments around that 5 since September 2017 that you can tell us about? By all 6 means roll up a comment to Sharon's observation. 7 MRS SUTTON: First of all, I would like to refer back to 8 that two-day event. I know we can't talk about 9 individual cases, but the two high-profile cases that 10 were prominent in our discussions at that event, the 11 question you asked about, you know, are we confident 12 that child sexual abuse is being reported, I think in 13 one of those high-profile cases it wasn't being 14 reported. Everybody knew that something wasn't right, 15 the individual eventually was investigated fully over 16 a long period of time and it appeared that many 17 hospitals had been suffering from his abuse, but would 18 mandatory reporting have helped bring that to light 19 earlier? Possibly, because people move been held to 20 account to make it stand that they had significant 21 concerns that were not then culturally ignored. 22 On the other hand, there was another high-profile 23 case that we spoke about at that event where child 24 sexual abuse went on for a period of time by one 25 well-respected individual -- and I use the words</p> <p style="text-align: center;">Page 53</p>	<p>1 loosely -- but there was no idea that it was going on 2 until the child disclosed. Would mandatory reporting 3 have made that situation different? I don't know, 4 possibly not, because it went undiscovered for a period 5 of time. 6 Since that event and since those two inquiries, 7 there's been a lot of work within the NHS to ensure that 8 boards take their responsibilities seriously in terms of 9 implementing those recommendations. 10 But I think going back to Rachel's point, for me -- 11 and the previous comment -- there is something about we 12 need to support staff to understand what they need to 13 do, what their system of supervision and support is, and 14 one of the things that we're really trying to consider, 15 in some sexual health centres and some sexual health 16 services, is we're trying to make routine enquiry -- 17 maternity services being one of them -- an absolutely 18 underpinning principle of asking the questions that are 19 very difficult to ask. And also to think the 20 unthinkable rather than not think the unthinkable. 21 That takes confidence and that takes courage and 22 that takes time and commitment by the board and all 23 members of staff and, if we think about recent cases of 24 huge CSE trauma, horrible trauma, where we know that 25 young girls have gone into A&E departments or sexual</p> <p style="text-align: center;">Page 54</p>
<p>1 health services or a number of walk-in centres, with 2 somebody who perhaps we wouldn't have normally 3 associated them with, with health problems that wouldn't 4 be normal -- normal for a child of that age -- those 5 questions were not asked. 6 So even if we could've prevented it, we didn't, in 7 some cases, because we didn't consider, "Why is 8 a 13-year-old here with a 40-odd-year-old, and they 9 don't speak the same language and the child is suffering 10 from a gynecological problem and doesn't seem to 11 understand why?", et cetera, et cetera. I think routine 12 enquiry and the support and education of staff will help 13 us support and identify victims of child sexual abuse at 14 a much earlier stage and protect them at a much earlier 15 stage. 16 MS KARMY-JONES: Taking that, but also expanding it to 17 everyone around the table, and widening it a little bit, 18 we've got that there needs to be more training and more 19 support, I certainly have done cases involving human 20 trafficking where victims have been identified by 21 a member of staff who appears to have been trained 22 specifically in that area, and perhaps what you're 23 saying is that needs to be extended. 24 But in terms of protecting the whistleblowers in 25 terms of protecting those who want to make an allegation</p> <p style="text-align: center;">Page 55</p>	<p>1 or want to disclose something that they've heard or 2 a concern, in general terms, do people around the table 3 feel that the introduction of legal protection which Ben 4 referred to earlier would actually encourage people to 5 raise the concerns or is it that it must go much deeper 6 than that? 7 MRS SUTTON: For me, it's a cultural revolution that's 8 needed, that -- "whistleblowing", for me, is the wrong 9 word, it sounds like somebody is doing something bad as 10 opposed to doing something good. I think the 11 whistleblowers need to be applauded and supported and, 12 in the second case I mentioned, where the sexual abuse 13 was hidden for many years, it was a junior member of 14 staff that took it on her herself to actually raise 15 this, not in a whistleblowing way, but used proper 16 safeguarding procedures to raise her concerns with the 17 appropriate individual which resulted in a custodial 18 sentence. Fantastic, absolutely fantastic! But I think 19 that either people don't feel supported enough to raise 20 those concerns, maybe because they don't have the 21 infrastructure above or around them, and they don't feel 22 supported, and it is, it's cultural, it's leadership, 23 it's that board-to-ward mentality, which I spoke about 24 at the event, that makes people feel confident that they 25 can speak out in the best interests of the child/young</p> <p style="text-align: center;">Page 56</p>

<p>1 person, and the family. I think that senior leaders at 2 every level in organisations need to model that 3 behaviour and that the term "whistleblowing" is not 4 a term, for me, that should be associated with 5 a reporting of potential or alleged child sexual abuse. 6 They don't, for me, seem to sit in the right box 7 together. This is about a serious alleged crime and the 8 painful impact on a child/young person and their family, 9 and it's more than just blowing a whistle. 10 MS KARMY-JONES: Mm, that's a good point. Tina, do you have 11 something you'd like to add about this from either the 12 Scouts' perspective or any perspective? 13 MS WILSON: I think I alluded to it yesterday really, for 14 me, and it's the bit that comes prior to the mandatory 15 reporting and it is that culture. And I think certainly 16 for us in scouting, that prevention part is that number 17 one priority and by that I mean fostering that absolute 18 open and transparent culture, that means that everybody 19 knows the rules of engagement and I think I alluded to 20 it yesterday. We have -- it's very simple, but it's 21 called a code of practice that everybody has that 22 everybody knows what to do, what they should do, what 23 they shouldn't do, and also that if they have any 24 concern, that they are to report it to a central 25 safeguarding team.</p> <p style="text-align: center;">Page 57</p>	<p>1 That allows us to pick up on the low-level concerns, 2 that allows us to be able to manage where people are 3 starting to show grooming behaviour which potentially 4 puts young people at risk. I think there's a huge thing 5 about leadership and governance and safeguarding, and 6 certainly, from my experience in scouting, is that 7 safeguarding is a golden thread, right from the board of 8 trustees, where I have to present at every single 9 meeting what's working well, what's not working well, 10 what are the challenges and what are we doing about it, 11 to inviting independents in, so listening to yourselves 12 around the different communities. We invite openness, 13 scrutiny and challenge, so we have a safeguarding 14 committee that's made up of a group of independent 15 people and experts from the field of safeguarding so 16 that they can challenge our organisational culture and 17 our reporting and how we do things. 18 Absolutely key, like people have said, is training 19 and education. We absolutely mandate that all of our 20 volunteers are trained in safeguarding and know what to 21 do if ... Again, that's covered on a simple code of 22 conduct on a yellow card that they have at all times. 23 Investment is key, and I know we've talked about 24 money around the table, but Scouts have significantly 25 invested, moving forward, in safeguarding. There is</p> <p style="text-align: center;">Page 58</p>
<p>1 a team of 22 responding to any contacts and I think, 2 Rachel, you made a differentiation between the contacts 3 and then the section 47 referrals, and we have 22 people 4 that can respond to those contacts and issues. We do 5 work well with statutory agencies, but we do see that 6 they're under pressure at times and we certainly see 7 a push back for us to deal with cases as well. So 8 I think, for me, there's comes that bit -- and that 9 child's voice is absolutely key, because if that child 10 doesn't have that environment where they can actually 11 say what's happening to them, it's irrelevant around 12 mandatory reporting. We will not get that young person 13 to say they were secret. So if we can make sure that 14 everyone knows the rules -- that's young people, that's 15 parents, that's the professionals -- "These are the 16 rules of our engagement", that's ultimately what will, 17 I think, keep young people safe. 18 MS KARMY-JONES: I'm going to have to go to the public 19 gallery in a moment, but before I do, can I take short 20 comments from two people, please? A short comment from 21 Paul and then I'm going to come to Tom for a short 22 comment. Paul? 23 MR STEWART: It was just really reiterating what Tina said 24 and what I've found within sports, and certainly, when 25 we talk about grassroot sports, a safeguarding, if you</p> <p style="text-align: center;">Page 59</p>	<p>1 will, the child protection safeguarding in sport, 2 wherever you go, whatever setting, whether you're in 3 football, whether you're in gymnastics, to a parent it 4 looks different, because they take that standard, 5 rebadge it, put a load of nonsense around it and dress 6 it up. I think parents are quite -- they've 7 misunderstood about it. You should be able to go from 8 one setting from the grassroots sports to the Scouts and 9 understand it completely. There is only 20 per cent, 10 maybe, that should be different on the safeguarding 11 standard. I think that's where it may be a little 12 confusing to parents and to volunteers, because, in our 13 settings, they are volunteers in some cases and they are 14 asked to be really responsible and that's a difficulty 15 in itself. 16 But I think that if we could get a standard 17 safeguarding document, as is the NSPCC one and make sure 18 that every governing body uses that, then it would be 19 clearer to parents and volunteers when they go into 20 different organisations. 21 MS KARMY-JONES: Thank you, Paul. 22 Tom, do you have -- very brief. 23 MR PERRY: Very brief. Here we go. So Tina, Moya, I am 24 going to read something to you. This was an article in 25 The Sunday Times, 16/2/14 by Professor Adrian Furnham,</p> <p style="text-align: center;">Page 60</p>

<p>1 Professor of Psychology, University of London -- 2 okay? -- and it's rather important. The article was 3 titled, "Few believers when companies preach values": 4 "The relationship between values and behaviour is 5 very weak. It is unwise to believe that by targeting 6 values you are going to radically and fundamentally 7 change behaviour. Instead, it works the other way 8 around. To change behaviour, you have to change values. 9 Seat belts, drink driving, smoking are all classic 10 examples. You cannot persuade individuals to wear 11 safety belts and stop drinking and driving by appealing 12 to their better nature. You change the law, threaten 13 fines, and over time people begin to internalise those 14 values." 15 MS KARMY-JONES: Thank you, I'm going to turn now to the 16 public gallery. Hands up, lots of hands up. All right, 17 can we go to core participants first, please? Yes. The 18 gentleman in the middle. No. Mr O'Mara? 19 Observations from THE PUBLIC GALLERY 20 CORE PARTICIPANT: Thank you. We've heard a lot, both today 21 and yesterday, about the importance of training, 22 especially when you start up a mandatory reporting 23 system, but I think it might be an opportunity for the 24 panel to see some of that in action by getting the 25 figures of what training uplift was made when it was</p> <p style="text-align: center;">Page 61</p>	<p>1 introduced into Wales and how much that actually cost 2 and if there was an actual uplift. And if there wasn't, 3 maybe that's the reason there hasn't been much change. 4 MS KARMY-JONES: Thank you. Mr Heaney is writing that down. 5 We'll come back to that later. Core participants, 6 I have Mr West in the middle. 7 CORE PARTICIPANT: Thank you. Following the first seminar, 8 a Freedom of Information Act request was made concerning 9 the DfE's policies as described there, and I have one 10 particular paragraph in the response which I would like 11 to read out. It's concerning the assessment of the 12 current legislative framework. 13 "As part of the government's response to the 14 reporting and acting on child abuse and neglect 15 consultation in March 2018, we committed to assessing 16 whether the current legislative framework makes it 17 possible to deal appropriately with concerns about 18 concealment of child abuse and neglect. It is important 19 that the law provides the power to deter and punish the 20 intentional concealment of abuse and sets a clear bar in 21 terms of targeting the most wilful and egregious 22 behaviour where child abuse is not reported due to 23 a desire to protect a personal or institutional 24 position. We hope that we will be able to report real 25 progress at the time of the next IICSA seminar</p> <p style="text-align: center;">Page 62</p>
<p>1 in April." 2 Now this seems somewhat at odds with what we have 3 heard today from the DfE, and I would be very interested 4 to hear the sort of -- what is actually going on in 5 respect of this assessment of the current legislative 6 framework. Because I think the inquiry has heard in its 7 public hearings recently -- for instance, in the 8 Catholic hearings -- that there has been deliberate 9 concealment of abuse and that the legislative framework 10 as it currently stands is unable to address it. 11 Also, the evidence given during those hearings, when 12 officials of the organisations concerned were questioned 13 on this, was that, yes, they would've reported the abuse 14 had there been a legal obligation to and that their 15 behaviour would have changed. 16 The impression I received from the evidence being 17 given at the time was that those organisations were 18 very, very carefully skirting just inside the law, 19 reporting as little as they could possibly legally get 20 away with and that, therefore, the point that Tom Perry 21 has made about the changing the law, changing behaviour, 22 I think is a very strong and powerful one. 23 MS KARMY-JONES: All right. 24 CORE PARTICIPANT: There's one other very brief point 25 concerning the freedom of children to make their choices</p> <p style="text-align: center;">Page 63</p>	<p>1 about this, and that is that I am all in favour of 2 children being able to make age-appropriate choices 3 concerning their lives at the earliest possible age, but 4 in a situation where abuse is occurring, they are not 5 able to make those free choices because the abuser is, 6 in one fashion or another, coercing the child. 7 Therefore, it is not sufficient to say "Oh yes, we 8 must wait for the child to make the free choice that the 9 child is entitled to", because the child -- no matter 10 what the child's entitlement is, the child is not in 11 a position to make that free choice, and so other 12 weapons against the abuse need to be brought into play. 13 Thank you. 14 MS KARMY-JONES: Thank you. I have about a minute left and 15 I have two people that I would like to go to, I will 16 come back to others, but can I first of all go to the 17 lady at the end? Can you keep it really brief for me, 18 though, because I only have about a minute and I'd like 19 to put in another comment? 20 CORE PARTICIPANT: Firstly, the point on the consultation is 21 it that it didn't consider all the evidence. The 22 evidence from Australia was missed out, despite me 23 submitting it, and I know that Mandate Now did as well, 24 so that destroys my confidence in the outcome, which 25 I think should be revised.</p> <p style="text-align: center;">Page 64</p>

1 Secondly, when interpreting the research, we
 2 shouldn't get stuck on this point of substantiation
 3 because, as we heard yesterday, even where cases are
 4 unsubstantiated, there are still beneficial safeguarding
 5 outcomes for children.
 6 I'm in favour of evidence-based mandatory reporting.
 7 I think the UK can benefit from being rather late to the
 8 party because now we are in a position to learn from the
 9 implementation issues experienced by other
 10 jurisdictions.
 11 As to the point of whether, in principle, the state
 12 should have that role -- I say this as a staunch
 13 libertarian -- I think they absolutely should, because,
 14 as Jonathan has just mentioned, children are not in
 15 a position to protect themselves. We're relying on --
 16 children are relying on professionals to report and, if
 17 I may make a quick reference to my personal experience,
 18 I was abused by my father for many years. I didn't tell
 19 anyone because I thought it was my fault. When I did
 20 disclose to someone, I begged them not to tell anyone,
 21 they said they wouldn't and they reported it to the
 22 police anyway. I am so grateful that they did.
 23 MS KARMY-JONES: Thank you. I'm going to take one last
 24 comment from the gentleman on the end I will come back
 25 to you at another stage, I promise.

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1 MS KARMY-JONES: Thank you. Before we go on to the next
 2 session, I'd just like to ask a couple of things that
 3 flowed from the last session.
 4 So first of all, Noelle, I think you had something
 5 you wanted to add?
 6 DR BLACKMAN: Thank you, yes. I wanted to come back to
 7 thinking about young people and children with learning
 8 disabilities and/or autism. Research indicates that
 9 people with learning disabilities may be up to
 10 50 per cent more likely to become victims of sexual
 11 abuse than other people. That's often not a figure
 12 that's thought about or known about, but it's really
 13 very high.
 14 We also know there's a rise in this country in young
 15 people with learning disabilities or autistic spectrum
 16 disorder being admitted under the Mental Health Act to
 17 assessment and treatment units. This often ends up with
 18 repeated restraint, medical sedation, seclusion, and
 19 when Respond is asked to come in and we look at the
 20 lives of these young people up to this point, often they
 21 are full of experiences of trauma and abuse that have
 22 been overlooked and unaddressed. So why and how does
 23 this come about?
 24 Our understanding is that there is a systemic
 25 culture surrounding people with learning disabilities

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1 MEMBER OF THE PUBLIC: Thank you. I am Keith Porteous Wood,
 2 I am the president of the National Secular Society.
 3 We've been working hard at the UN for ten years on
 4 clerical abuse and in particular now mandatory
 5 reporting, and I'm delighted to say they've now started
 6 to pick it up with individual countries of feedback on
 7 what Professor Mathews said. So thank you for that.
 8 Could I make a plea? We've heard so much in this
 9 room over the last two years over clerical abuse
 10 carrying on so -- and on Panorama and the wonderful
 11 comments from the Jewish lady about minority clerical
 12 abuse. It's so widespread, and always somebody else
 13 knows. It's not -- and it's being kept in such a secret
 14 thing, the only way that we're ever going to be able to
 15 break this is with mandatory reporting, so a big plea
 16 for that. Thank you.
 17 MS KARMY-JONES: Thank you.
 18 We're now going to go to a break, coming back at
 19 about -- yes, at about 11.45, so a short break please.
 20 As I said, I will come back to people at the next
 21 session. We have a longer session at the end, so
 22 everyone will get ...
 23 (11.30 am)
 24 (A short break)
 25 (11.45 am)

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1 that starts in schools. It might be, at best, around
 2 protection, protecting them, because other people might
 3 not understand them as well as the school, et cetera,
 4 et cetera.
 5 Their learning disability makes them even more
 6 vulnerable.
 7 But, at worst, it's also about averting gaze or,
 8 even worse, dehumanising them.
 9 The behaviour that is seen often really clearly is
 10 often labelled as challenging behaviour. There's very
 11 particular frameworks about addressing this. Positive
 12 behaviour support doesn't look at what this might
 13 actually be coming from, stemming from, and that's kind
 14 of therefore -- it's inherent in the whole culture.
 15 It continues in colleges and, as the young people
 16 get older and reach puberty, we see often a lot of
 17 peer-on-peer abuse which is overlooked and
 18 misunderstood.
 19 I think there's a fear sometimes that, if this is
 20 addressed, these young people will become criminalised
 21 when, actually, they need to be understood and we need
 22 to understand the root of the peer-on-peer abuse.
 23 I think that one of the fears where we think about
 24 protection -- so the best reasons for it not coming out
 25 is protection -- is that the child protection agencies,

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<p>1 once a report is made, are not going to be skilled 2 enough in really understanding learning disability and 3 autistic spectrum disorder. It's imperative that we 4 address this, especially if we make mandatory reporting, 5 otherwise, once the report is made, these young people's 6 experiences will be dismissed and their experiences will 7 continue in exactly the same way as they are in schools 8 at the moment. Thank you. 9 MS KARMY-JONES: Thank you. I think, Katy, you said that 10 you were able to respond to the comment made by the 11 gentleman in the public gallery. Fire away. 12 MS WILLISON: Yes, I'm very happy to do so. What I didn't 13 want to give the impression was, when I said the 14 government's position on mandatory reporting meant that 15 we were not looking at other issues around this, and one 16 of the issues we are absolutely looking at is wilful 17 concealment, and we did make that commitment at the last 18 seminar and I was expecting at some point today to 19 update. I'm happy to do so now. 20 So between the last seminar and now we have been 21 examining the statute book to look at whether there is 22 a gap in the legislation. We have looked at the 23 Criminal Law Act 1967, perverting the course of justice, 24 which is, in common law, misconduct in a public office, 25 the Criminal Courts and Justice Act of 2015, the</p> <p style="text-align: center;">Page 69</p>	<p>1 Children and Young Persons Act of 1933 and the Domestic 2 Crime and Victims Act of 2004. 3 You won't be surprised to hear that the issues in 4 the legislation are quite complex, but what we have 5 concluded is that there may be circumstances where 6 legislation can apply and be used, but that may well not 7 apply to all circumstances. Indeed, there may well be 8 types of behaviour around wilful concealment where there 9 may be a gap in the legislation. 10 What we have concluded from that is we would like to 11 do more work to look at exploring past cases and 12 considering whether an offence of concealment would have 13 made a difference to the actions of the professionals 14 involved and provided better protection for the victims 15 and we also do want to do that work alongside some of 16 the thinking that we know is happening here around 17 mandatory reporting, because it's really important that 18 if we are legislating in this space, we don't take two 19 streams of work and apply them separately, we need to 20 think alongside mandatory reporting with wilful 21 concealment. 22 So that's an update on where we've reached, but we 23 are unlikely to reach further conclusions about the need 24 to legislate until we have a clearer position on 25 mandatory reporting, the conclusions of the inquiry and,</p> <p style="text-align: center;">Page 70</p>
<p>1 as I've also said, more evidence from Wales which will 2 help us look at the big picture on this. 3 MS KARMY-JONES: Taking what you've said -- and obviously 4 you referred to some offences like misconduct in 5 a public office -- and bearing in mind the concerns that 6 have been raised as to how you identify who it might be 7 directed at, do the considerations take on board some of 8 the issues that have been raised by those involved with 9 closed communities, which could be seen as a kind of 10 microcosm for the UK as a whole, really, couldn't it? 11 PARTICIPANT: I think -- and I'm not a lawyer. I think this 12 would be a significant challenge in drafting the 13 legislation, it's not one that we should duck, it's one 14 that we should think about, but, undoubtedly, the case 15 that, you know -- and my experience of legislation tells 16 me that making long lists of organisations is a very 17 ineffective way to legislate, so you are looking for 18 types of institutional organisation and that can be very 19 difficult when you're dealing with community-based 20 organisations with a lack of formal structures, so 21 I think that will be a challenge in, in fact, any of the 22 legislation that you might want to bring forward in this 23 space, and that's one of the things that might be 24 interesting to explore in one of our next sessions. 25 I don't think it means we shouldn't look at it, but</p> <p style="text-align: center;">Page 71</p>	<p>1 I don't think we should discount the challenge that will 2 present us in proceeding, yes. 3 MS KARMY-JONES: Okay. 4 Anna, are you asking to come in on that? 5 MS COLE: No. 6 MS KARMY-JONES: Not on that point. Is it on something to 7 do with the last session? I'm about to move on to 8 features of mandatory reporting models. 9 MS COLE: I wanted to make a very quick point about sex 10 education after Almudena made the point which is on the 11 right to withdraw. I know that the DfE received 23,000 12 responses and the right to withdraw was a big issue and 13 just to say that school leaders very much didn't want 14 the right to withdraw. We would like to see sex 15 education in primary school, we would like to see 16 children have to be able to correctly name their body 17 parts in primary school, which, at the moment, they 18 don't have to do, and we also don't want children -- 19 parents to be able to withdraw their children from 20 secondary school sex education, and also didn't think 21 that the right to withdraw, which is two terms before 22 the 15th birthday actually complies with Gillick 23 competence, because actually our members' understanding 24 is that Gillick competence comes in earlier than that. 25 Also, if children's parents do withdraw them, then</p> <p style="text-align: center;">Page 72</p>

<p>1 two terms before their 15th birthday, they actually have 2 to opt in themselves, so go against their parents rather 3 than just automatically opting in, so I think there are 4 issues there. We absolutely welcome the new 5 relationships on sex education guidance and understand 6 the pragmatic sort of issues that there are, but just 7 wanted to make that point really. 8 MS KARMY-JONES: Thank you. 9 MS COLE: On Noelle's point about understanding on learning 10 disabilities, but also generally on training for 11 educators to understand what behaviour is trying to 12 demonstrate and that all the research on neuroscience 13 and trauma -- and I think there could be a lot more work 14 done with educators and others working with children to 15 understand that behaviour is actually communicating 16 something else. 17 MS KARMY-JONES: Thank you. 18 Session 4 19 MS KARMY-JONES: All right. Now we're going to move on and 20 look at some of the features of mandatory reporting 21 models and we looked at a number of examples on the 22 last -- at the last seminar. 23 I am going to ask Bethany Atkinson, who I have 24 already introduced and who sits next to me, to briefly 25 present some key features of some models of mandatory</p> <p style="text-align: center;">Page 73</p>	<p>1 reporting to provide a context to this next part of the 2 discussion. She's only going to take about 5 minutes 3 just to go through some of the the key features. 4 Bethany, I think you have some slides that are going 5 to go up as well. Right. So focus on screens and on 6 Bethany. 7 Presentation by MS ATKINSON 8 MS ATKINSON: Good morning, everyone. 9 During the first seminar we heard about a range of 10 different approaches to mandatory reporting models and, 11 as Ben Mathews noted yesterday, it is evident that there 12 is no single approach to reporting. 13 In this session we would like participants to 14 consider the advantages and disadvantages of different 15 approaches to statutory reporting duties, particularly 16 with consideration to England and Wales. 17 To support discussions, I'm now going to briefly 18 outline the key features of reporting models which we 19 are particularly interested in hearing your views on. 20 In addition, I'm going to present four different 21 approaches to each of those key features, to illustrate 22 the breadth of approach and provide some context to your 23 discussions today. 24 We have heard that models differ significantly in 25 terms of who the duty to report applies to, what must be</p> <p style="text-align: center;">Page 74</p>
<p>1 reported in relation to child sexual abuse and whether 2 there are consequences for mandated reporters who fail 3 to report and, if so, what those consequences look like. 4 In the first part of this session, we would like 5 participants to focus on the first two of these key 6 features and will move on to consequences for not 7 reporting after lunch. 8 On the screens you'll see a table outlining four 9 models of statutory reporting duties, each of which 10 takes a different approach to these key features. 11 Considering first the different approaches to who 12 reporting duties apply to, during the first seminar, we 13 heard about the reportable conduct scheme in Victoria, 14 Australia. 15 This scheme applies to a range of organisations that 16 work with children from statutory services such as 17 schools, child protection and health services, to 18 recreational organisations and other settings, such as 19 religious institutions and providers of children's 20 camps. 21 Although this duty applies to quite a wide range of 22 institutions, within those organisations the duty 23 applies quite narrowly and only to heads of 24 organisations -- usually the chief executive officer. 25 Moving now to the duty to report that's been</p> <p style="text-align: center;">Page 75</p>	<p>1 introduced in Wales, as we've heard, this duty is 2 narrower in terms of the organisations it applies to, 3 applying only to relevant partners of local authorities. 4 However, unlike the reportable conduct scheme, and as 5 Albert Heaney told us at the first seminar, it does 6 apply to individual professionals including local 7 authority staff and healthcare staff. 8 Casting the net slightly wider, the model of 9 mandatory reporting proposed by Mandate Now applies to 10 all staff working in regulated activities as defined by 11 the Safeguarding and Vulnerable Groups Act 2006. This 12 model would apply to staff, including some voluntary 13 staff, in a range of settings, including nurseries, 14 sports clubs, Scout groups, schools, religious 15 organisations and healthcare services. 16 One of the broadest approaches to who mandatory 17 reporting duties apply to exists in Ontario. As we 18 heard in the first seminar, in Ontario all persons, 19 regardless of their profession or the setting, have 20 a statutory duty to report child sexual abuse. 21 These four models also take different approaches to 22 what mandated reporters have a statutory duty to report. 23 Looking again at the reportable conduct scheme, this 24 was introduced in response to organisations' failure to 25 address allegations of sexual abuse -- as such, only</p> <p style="text-align: center;">Page 76</p>

<p>1 sexual misconduct by employees and volunteers must be 2 reported. By contrast, in Wales and under the Mandate 3 Now model, all child sexual abuse is required to be 4 reported regardless of who perpetrated the abuse or 5 where it took place. 6 Further, under the reportable conduct scheme, only 7 sexual offences or misconduct by adults aged over 18 is 8 required to be reported -- therefore sexual abuse 9 perpetrated by a volunteer aged under 18 or between 10 children is not required to be reported. 11 A similar exception exists in Ontario -- only abuse 12 of children aged under 16 is required to be reported. 13 That means there is no legal requirement to report abuse 14 of older children aged 16 and 17. There is also 15 a "close in age" exception in Ontario -- which means 16 there is not a requirement to report sexual activity 17 between older children or between an older child and 18 a young adult, providing it is not exploitative and 19 there is no relationship of trust or authority. 20 Of course, these models illustrate just a handful of 21 the different approaches to who is mandated to report 22 and what must be reported, and we're interested in 23 exploring other approaches too. 24 So I'll now hand back to Riel to begin your 25 discussion about these key features.</p> <p style="text-align: center;">Page 77</p>	<p>1 MS KARMY-JONES: Thank you, Bethany. So looking first, if 2 we may, at who should the legal duty to report apply to, 3 are there any comments on the different approaches to 4 the types of organisations that are mandated to report 5 child sexual abuse? We were talking about organisations 6 versus individuals. What views are there around the 7 table? Yes, Simon? 8 MR NATHAN: I think from our perspective it should be 9 an organisational one. I think if you look at 10 a school's setting, there's -- even looking at the 11 current guidance, everyone within the school has 12 a responsibility to raise a concern if they see 13 something. But the mandating, the actual reporting to 14 the extern in authority, I think we all feel should be 15 done by someone like the DSL, and within the school. 16 I say that because, you know, if you are a member of 17 the cleaning staff or someone who works in the bursar's 18 office and you spot something that you feel a bit 19 uncomfortable about, you know, you raise that with the 20 person within the school, the safeguarding lead, who has 21 probably far greater knowledge about the subject. 22 I think it would potentially be uncomfortable if that 23 potential criminal sanction came back to that more 24 junior member of staff, who perhaps didn't understand 25 entirely what they were seeing, but they'd done their</p> <p style="text-align: center;">Page 78</p>
<p>1 bit by reporting that further up the chain. 2 MS KARMY-JONES: Okay. Ben, on your research, who do you 3 suggest mandatory reporting duties should apply to in 4 order to be the most effective? I mean individuals or 5 organisations, both? 6 PROF MATHEWS: Individuals. Such individual professionals 7 or practitioners who are defined under the legislation. 8 I'll point out that the reportable conduct scheme in 9 Victoria, Australia, is an additional duty on top of 10 mandatory reporting legislative duties. It is aimed 11 squarely at institutional concealment of cases. So it's 12 a specific kind of duty. Victoria also has the general 13 mandatory reporting duty. So my view is that the duty 14 should apply to the individual professional practitioner 15 and, further to that, my view -- and this has been borne 16 out by research that we've done -- is that that 17 professional practitioner should in fact make the report 18 directly to the child protection agency. 19 Certainly, in cases such as Simon mentioned, I think 20 there is, as a matter of good practice, maybe other 21 persons in the institution who should also be made aware 22 of what's happened, but I think it has been shown -- 23 particularly in my home state of Queensland, but also in 24 other jurisdictions -- that if there is a convoluted 25 chain of reporting, it is very easy for the report to</p> <p style="text-align: center;">Page 79</p>	<p>1 get lost in the system and to either be not forwarded to 2 the child protection agency, sometimes for sinister 3 reasons, sometimes for non-sinister reasons. 4 I think issues or challenges in making sure that all 5 staff in the organisation know what they have to report 6 and how to report and to whom to report, can easily be 7 made the subject of appropriate education to those 8 people. 9 MS KARMY-JONES: Ben, can I pick up on one thing you said, 10 you know, individuals who are defined under the 11 legislation, who should the legislation include as 12 an individual defined under the legislation? 13 PROF MATHEWS: That's the million-dollar question almost, 14 isn't it? As we saw in yesterday's presentation, some 15 states in Australia apply it to a smaller range of 16 professions, some to a broader range. Victoria, for 17 example, applies it to doctors, teachers, nurses and 18 police, and pretty much the same in Queensland and 19 Western Australia. 20 To me, they are the four minimum groups of 21 occupational practitioners it should apply to. I think 22 it should also apply to early childhood education and 23 care practitioners, so childcare practitioners, and 24 after that there are other groups such as psychologists, 25 social workers, and so on, who you may also consider</p> <p style="text-align: center;">Page 80</p>

<p>1 should be included.</p> <p>2 MS KARMY-JONES: Going back to your research and the</p> <p>3 different models you've looked at, is it right that</p> <p>4 those with a wider net have a greater success rate, if</p> <p>5 you like, or a -- is the response -- is the outcome, the</p> <p>6 result, better, if that makes sense?</p> <p>7 PROF MATHEWS: That's a difficult question to answer from</p> <p>8 a scientific point of view.</p> <p>9 Certainly, I think applying it to those core</p> <p>10 professions who have most exposure to children and to</p> <p>11 managers in those organisations, I think that is the</p> <p>12 minimum requirement that's the essential condition.</p> <p>13 MS KARMY-JONES: One last thing on that, who should be left</p> <p>14 out?</p> <p>15 Should anyone be left out?</p> <p>16 PROF MATHEWS: Certainly it should apply to staff and</p> <p>17 volunteers in those organisations. They are the people</p> <p>18 in most frequent contact with children in the course of</p> <p>19 their daily work and who are equipped and able to detect</p> <p>20 children's -- to receive disclosures and to detect</p> <p>21 changes in children's behaviour, and so on. They are</p> <p>22 the ones who can develop knowledge or suspicion or</p> <p>23 belief of these cases. They should be required to</p> <p>24 report.</p> <p>25 I think other models, such as Ontario's model, that</p> <p style="text-align: center;">Page 81</p>	<p>1 applies to all citizens, I'm not sure I would recommend</p> <p>2 applying the duty to all citizens. I think that's not</p> <p>3 quite a true mandatory reporting duty in terms of the</p> <p>4 sense we're talking about today, that's more a general</p> <p>5 crime prevention approach. So I think those five</p> <p>6 professions, including both staff and volunteers in</p> <p>7 organisations and the management in those organisations,</p> <p>8 that's your call.</p> <p>9 MS KARMY-JONES: Where do religious communities fit within</p> <p>10 this?</p> <p>11 PROF MATHEWS: Yes, I think people in religious</p> <p>12 organisations should be included, that's my view.</p> <p>13 MS KARMY-JONES: Thank you.</p> <p>14 Moya, you had an observation.</p> <p>15 MRS SUTTON: Thank you. I'm just trying to think about it</p> <p>16 from the practical perspective and what would happen</p> <p>17 now, or certainly what should happen now, is if, for</p> <p>18 example, it's 11 o'clock on a Saturday night and a child</p> <p>19 arrives at an A&E department -- for example,</p> <p>20 a paediatric specialist trust, let's say -- and the A&E</p> <p>21 doctor examines the child and suspects child sexual</p> <p>22 abuse, what should happen is that there will be</p> <p>23 certainly, in those sorts of settings, an oncall</p> <p>24 paediatrician who would be contacted and the doctor or</p> <p>25 the paediatrician will have a discussion about the</p> <p style="text-align: center;">Page 82</p>
<p>1 findings of the doctor and then the oncall paediatrician</p> <p>2 will make the decision with the doctor as to whether the</p> <p>3 call is made to the emergency duty team at social</p> <p>4 services and/or the police for there to be a strategy</p> <p>5 meeting either there and then, if there is significant</p> <p>6 risk, or the next day, if more appropriate.</p> <p>7 I suppose my question would be of Professor Mathews,</p> <p>8 who is the reporter there? Is it the paediatrician? Is</p> <p>9 it the junior -- is it the junior doctor or is it</p> <p>10 a co-reporting?</p> <p>11 MS KARMY-JONES: We'll take that as a point of</p> <p>12 clarification. Ben, do you have an observation on that?</p> <p>13 PROF MATHEWS: Sorry, I actually missed the first part of</p> <p>14 your statement there, but I think, if I can gather the</p> <p>15 thread, to me, the person under the duty to report is</p> <p>16 the person who themselves generates the knowledge or</p> <p>17 suspicion. If they are working with a more senior</p> <p>18 colleague, they can perhaps consult with that colleague,</p> <p>19 to check on whether they think their knowledge or</p> <p>20 suspicion is well based. And if they're working with</p> <p>21 a senior colleague in treating the child, they can</p> <p>22 certainly inform that colleague of their intended course</p> <p>23 of action and of their action.</p> <p>24 MS KARMY-JONES: So that would be generally the person who</p> <p>25 receives the disclosure from which the suspicion is</p> <p style="text-align: center;">Page 83</p>	<p>1 generated?</p> <p>2 PROF MATHEWS: Correct.</p> <p>3 MS KARMY-JONES: Thank you.</p> <p>4 Tom?</p> <p>5 MR PERRY: If I may, I'd just like to clarify something</p> <p>6 about our position, actually, which is slightly</p> <p>7 mistaken, so I'd just like to correct this, if I may.</p> <p>8 That is that we said that --</p> <p>9 MS KARMY-JONES: Just to clarify, I mean, we all in the room</p> <p>10 know when you speak about -- you're talking about the</p> <p>11 Mandate Now?</p> <p>12 MR PERRY: I'm so sorry, yes, the position of Mandate Now.</p> <p>13 You know, we drafted legislation and it's changed since</p> <p>14 we -- we drafted legislation for Walmsley, it's changed</p> <p>15 since then, and it addresses a point that Simon made</p> <p>16 which is a valid point, actually.</p> <p>17 What we said was that -- here we go -- do forgive me</p> <p>18 I'm a slightly slow reader. Here we go. We said here</p> <p>19 that it was children -- here we go, I'm sorry:</p> <p>20 "Children and vulnerable adults ..."</p> <p>21 We included vulnerable adults. Let's just leave</p> <p>22 that to one side now:</p> <p>23 "... and persons whose services are used by such</p> <p>24 providers, being persons who stand in a position of</p> <p>25 trust ..."</p> <p style="text-align: center;">Page 84</p>

1 So in other words, the point that Simon was making
2 about, you know, the cleaner, the ground staff, they're
3 not included, they're not in positions of trust per se.
4 So we wanted to stick to that, and the reason why we
5 wanted to stick to that is, quite frankly, anything
6 other than sticking to positions of trust simply
7 wouldn't navigate Parliament in any legislation. So
8 that's why we adhered very strictly -- I mean, this was
9 on the advice of multiple barristers -- a murder of
10 barristers we had to tell us about this, it was quite
11 depressing.

12 Anyway, moving on, there was another point that was
13 made, actually a very important point, and that is our
14 definition of regulated activities is as sound as
15 a colander, so, therefore, what we did was we specified
16 the regulated activities, which is a pretty ghastly
17 thing to have to do, to be quite frank with you,
18 because, as someone said earlier, you know, making lists
19 of settings to which this should apply, but that's
20 principally because the definition of regulated activity
21 and the Safeguarding Vulnerable Groups Act 2006 is
22 beyond belief flakey. Okay? So that's that one out the
23 way.

24 MS KARMY-JONES: Thank you.
25 I want to come to Albert Heaney and the Welsh

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1 And our first step in this -- because it is new for
2 us as a government. Firstly, it was new legislation, it
3 was the first time we produced social services
4 legislation in Wales. When we went out to consultation,
5 we had feedback. When we went through the legislative
6 journey, we listened to the feedback that come to us
7 and, overwhelmingly, the argument was that there should
8 be a duty to report. So we went down the line of what
9 we call the duty to report. We kept that tighter -- you
10 are absolutely correct -- we kept that in that smaller
11 group of professionals, those professionals, those
12 organisations, so the duties on organisations, and it's
13 within that smaller -- smaller group. But smaller in
14 the sense of agencies, but significant in relation to
15 the reach and the number of children and young people
16 that come through, so if you think about health boards
17 health trusts being responsible for safeguarding, this
18 is a very powerful piece of legislation.

19 A member of the public raised a really good
20 question, you know, I think that issue of, how did we
21 resource the implementation? And again, we had
22 national-led campaigns around getting in on the act, we
23 invested heavily in thinking about both the resources
24 available through Social Care Wales developing a hub of
25 resources and actually then very much being active in

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1 Government position and I want to pick you up a little
2 bit, Albert, on the system that has variously been
3 described as a mandatory reporting system and just
4 challenge you a little on that, because it's not really
5 the same kind of system as those Ben spoke about
6 yesterday, is it, because the duty to report, as
7 Bethany's just told us, is quite limited, it's limited
8 to local authority partners, so you know, police, health
9 staff, youth offenders, offender teams. What was the
10 rationale for that and why didn't the Welsh Government
11 introduce a broader duty extending to religious
12 organisations and sports clubs and so on?

13 MR HEANEY: Exactly. And, you know, this is part of our
14 debate, so I'll go through some of that in a little bit
15 of detail.

16 When we consulted, the feedback was certainly less
17 perhaps contentious than the current debate within the
18 English agenda, but that's absolutely right and proper
19 to understand what the context was.

20 We felt very strongly that we were responding to, in
21 the majority of cases, where institutions had failed to
22 respond appropriately. So we were looking at it in
23 terms of where we developed a remit of safety within
24 legislation, we were looking at the cultural change that
25 we feel is necessary.

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1 getting out into the field so that professionals and
2 their organisations took their responsibilities
3 seriously.

4 I think that we never thought that mandatory
5 reporting in its own right or duty to report was the
6 completion of what would solve what is a very complex,
7 difficult matter for us. We saw that being about
8 cultural change, practice awareness, challenge.

9 Actually, we want to foster our cultural practice around
10 challenge so that we actually get to support children
11 and young people in a different way. So we never
12 thought that legislation in itself, with that cultural
13 organisational change -- so we've come alongside that,
14 we invest -- we've certainly redirected monies to --
15 8 million funding into the workforce around social care
16 training and development. We invested 3 million per
17 year into delivering the transformation required by the
18 legislation, we've put 8 million into frontline
19 children's services because we felt that they needed to
20 focus more on prevention and early intervention.

21 I think that's something that hasn't come out enough
22 today, because I think frontline colleagues need to have
23 the resources to intervene earlier and be supported to
24 intervene in the right way. We haven't -- I think one
25 of the worries I had to -- I asked earlier on, I didn't

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<p>1 quite come in at that point because of, you know, lots 2 of discussion taking place, but you asked us to do our 3 homework last night. One of my worries about duty to 4 report -- I'm a supporter of duty to report, maybe we 5 need to go further in Wales and that's what will come 6 out from this inquiry and the discussion, but one of the 7 worries I have is that, whilst we're focusing on the 8 duty to report, we really have to be asking other 9 questions, which is: how do young people be supported to 10 speak out earlier; how do we respond and set the climate 11 and the environment; and what kind of society, how do we 12 build more trusted adults? Anyone who has read the 13 literature around adverse childhood experiences will 14 know that children need trusted adults and, by having 15 trusted adults, it gives them the opportunity.</p> <p>16 So that was the position we took. I have given 17 a long answer to, I know, the question, but it's just to 18 give a sense of, do we think it's perfect? No. Do we 19 think it's a very good start and heading in the right 20 direction? Absolutely, yes. Will we be looking to 21 review post the -- some of the very powerful messages 22 coming around this room? We will. But are we saying, 23 should we have a duty to report or not? No. Because we 24 think that actually that's the standard that should be 25 set.</p> <p style="text-align: center;">Page 89</p>	<p>1 MS KARMY-JONES: Okay, so you are looking to review, you 2 will be looking to review? 3 MR HEANEY: We will. 4 MS KARMY-JONES: That is interesting, because, yesterday, we 5 heard from you that the duties actually had very little 6 impact, which seems to be in sharp contrast to a number 7 of the different models that Ben has spoken about and 8 I just wonder if you think that in the review perhaps 9 the lack of impact is a consequence of the limitations 10 that are currently in place around the duty? 11 MR HEANEY: I think maybe -- maybe I'd challenge the 12 question a bit, in a sense, because I think it's how 13 a positive turned into a negative. So, you know, we are 14 talking about cultural practice. So, you know, in 15 a Welsh context, the National Independence Safeguarding 16 Board, the Local Safeguarding Boards, who are all 17 working in the arena of safety partnership work, the 18 All-Wales Procedures, really challenging discussions, we 19 haven't always got it right, but we're learning the 20 lessons, you know? We've changed the child practice 21 reviews, moving away from a blame culture of Serious 22 Case Reviews into something about learning and really 23 transforming what we do. So actually, the fact that 24 there hasn't been an avalanche of new referrals 25 missed -- there's, I think I did say yesterday, been the</p> <p style="text-align: center;">Page 90</p>
<p>1 odd, small number of issues that seems to have emerged 2 from this. Therefore, it's perhaps a case where, if 3 we've got our cultural embedded, and we're getting that 4 strong in terms of how we practise, therefore, having it 5 as a standard that's -- you know, our arena of safety 6 says there is a duty to report and that duty of report 7 means you do this, this, and this, and you're supported 8 in that, then that's a good thing.</p> <p>9 So perhaps -- you know, I take the challenge from 10 the public gallery, which is really important, am 11 I confident that we have invested in the discussion 12 around why we're doing things the way we're doing it? 13 Because there hasn't been an avalanche of referrals, 14 that's not because people haven't been talking about 15 this, it is because very much people have been talking 16 about, "What's the right referrals?", making sure people 17 are confident. So I probably push back a little bit, 18 because I think there's a danger in this arena that it's 19 seen to be a negative for not doing something, where 20 having your standard set out clearly in law, I think -- 21 I would put in its own right is a good thing.</p> <p>22 MS KARMY-JONES: Right. Mr Perry, have you got something, 23 Tom, to say about that? 24 MR PERRY: Briefly, if I may. But is it mandatory 25 reporting? No. It's -- it's organisational level,</p> <p style="text-align: center;">Page 91</p>	<p>1 which is what the ISC wants, which, frankly, doesn't 2 bear scrutiny. Do we have data? It's been more than 3 two years now. No, we have the same old problems again 4 in the UK. We have this sort of data sequestration 5 which goes on in this country. Mr Mathews comes here 6 and in his excess baggage he's got data. Here, you 7 can't get data. It doesn't exist, you know? Child 8 deaths -- I heard it described by a member of the -- who 9 was a director of children's services and she described 10 it as "data sequestration", trying to find out -- and 11 they went on to explain how it was impossible to find 12 out the number of child deaths in this country. And how 13 multiple FOIs had to go in. I mean, you get -- the 14 paucity of data in this country, in these islands, is 15 extraordinary.</p> <p>16 What we have is -- what came across in Ireland, 17 I think it was -- do forgive me, I've forgotten the name 18 of the gentleman who was in MR seminar 1, from Cork, and 19 do forgive me, I shouldn't do that, that's very 20 naughty -- but his presentation was most interesting 21 because what he said was that, you know, we've now got 22 MR in Ireland. Sadly, at the moment, we don't have 23 data -- okay? -- it's been in for now more than a year. 24 Where is the data? We don't have it. 25 But what he did say was -- and an article that I've</p> <p style="text-align: center;">Page 92</p>

<p>1 subsequently read said that they want to see it at 2 organisational level as well, they want some sort of 3 sanction at organisational level. So they've got it 4 with people, they've got it with the people on the 5 ground, those professionals in teaching and all these 6 other settings that are specified. But they now want it 7 at organisational level, because they can see that the 8 absence of something at organisational level -- to hold 9 accountability at organisational level is a weakness. 10 So they've done it the other way around, and I think 11 that's really the direction of travel for us as well. 12 MS KARMY-JONES: Thank you. 13 Albert, can I ask you one thing that arises out of 14 that, because in the first seminar in September you said 15 that the duty applied to staff in local authorities. 16 Can you just clarify, are you speaking about 17 organisational or are you speaking about individual 18 duty? Microphone, yes, thank you. 19 MR HEANEY: Thank you, thank you very much. The Wales duty 20 reporter finds relevant partners who report or are 21 defined as local authority staff, police probation -- 22 MS KARMY-JONES: Can you lean forward just a little? 23 MR HEANEY: Of course. I think what -- to clarify, we 24 really have aimed it at an organisational level and, 25 within that, the staff in those organisations have</p> <p style="text-align: center;">Page 93</p>	<p>1 a duty to report, and that is clarified through the 2 All-Wales Procedures and everything that's put in place 3 to really reinforce through the whole system that we 4 have. So from a legislation-based, organisational duty 5 to report and then into mainstream practice and 6 day-to-day delivery. 7 MS KARMY-JONES: Right. I'm going to turn to 8 Rachel Dickinson now because I think you had 9 an observation, Rachel. 10 MS DICKINSON: Yes, thank you. I just wanted to come back 11 to the practical example that Moya explored and actually 12 the hearing of that, because I didn't hear Moya say that 13 what the paediatrician had found was a disclosure of 14 abuse, what I heard was that there were symptoms that 15 possibly could be regarded as indicative of abuse. 16 And I think that's a really important distinction 17 because I think you heard disclosure, and I think we 18 need to narrow down what we are defining as being 19 reportable. We also need to think about the evidence 20 that we've heard in relation to how young people behave 21 when they're traumatised and, actually, their move to 22 disclosure may be very, very slow paced and require 23 significant relationships and trust in order to make 24 those steps. 25 I would observe that the professionals that Moya was</p> <p style="text-align: center;">Page 94</p>
<p>1 identifying already have a responsibility, under Working 2 Together to Safeguard Children, to share their concerns, 3 report those concerns and explore those concerns with 4 other professionals to try and find the right way to 5 respond to the circumstances that they are observing in 6 relation to a child, which may take some significant 7 time, I might add. 8 My concern is that to add mandatory reporting to 9 what we currently have -- I outlined earlier the 10 significant amount of activity that we have -- in 11 relation to concerns about children in England which is 12 perhaps different from the Welsh experience, to add the 13 potential of criminal consequences if you fail to act, 14 may actually disinhibit professionals from entering what 15 is really, really valuable work with children. 16 So I think it's about the -- thinking about the 17 unintended consequences of mandatory reporting that we 18 need to pay some attention to, but also that there are 19 many, many shades of grey in the territory of trying to 20 secure the right outcomes for children. And there's 21 a danger in thinking that mandatory reporting gives 22 a fix to a very complex problem. It may be one part of 23 a solution, but the things that we've talked about, 24 about early help, prevention, training for staff, 25 actually trusted people having time to build</p> <p style="text-align: center;">Page 95</p>	<p>1 relationships with children so that they feel 2 comfortable to start to say something are very, very 3 important if we are to work collectively to support 4 children to be safe. 5 MS KARMY-JONES: Thank you. 6 MS GOLDSOBEL: I am just comparing the duty to report, and 7 the proposal for Mandate Now and, when you look at the 8 duty to report in Wales, and who it's for, the majority 9 of children actually would not be engaged with those 10 services on a regular, if not weekly, or even 11 fortnightly, basis, because it's local authority, 12 police, health staff, Youth Offending Team. 13 Many of us know, with children, you're going to go 14 to the doctor once a month, maybe two or three, so most 15 children are not even actually being seen by those 16 agencies, so we're missing out a lump of children there. 17 The proposal by Mandate Now, which is probably 18 obvious from my perspective that I definitely think it 19 needs to include faith organisations, because I work in 20 London the majority of my time, and most -- other 21 organisations work with children who are involved in 22 religious communities and sports clubs and things that 23 are engaging with children on a weekly, if not 24 several-times-a-week, basis. We cannot ignore half of 25 what children get up to in London and not make them part</p> <p style="text-align: center;">Page 96</p>

<p>1 of this mandatory reporting procedure, because we're 2 then waiting six months until a child goes to a doctor 3 and then hope it's picked up, as opposed to, you know, 4 what can happen in that six-month period? 5 From my perspective, children in my community engage 6 within faith settings on a weekly basis, whether it's 7 Sunday school for two hours, or on a Saturday coming to 8 the synagogue for youth service. That is run without 9 parents there but by a volunteer. So lots can happen in 10 lots of areas of children's lives that will not be seen 11 if we're just putting it to relevant partners in 12 organisations -- putting in quotation marks literally 13 what it says there -- and then we're missing out 14 a majority of a child's life really. 15 MS KARMY-JONES: So abuse happens everywhere? 16 MS GOLDSOBEL: Yes. 17 MS KARMY-JONES: Would anyone else like to offer any 18 comments or observations on duties which apply to wider 19 areas like sports bodies and voluntary services? Paul? 20 MR STEWART: Yes, I think as we know, in sports, it's quite 21 complex, because we're looking at the power of a coach 22 over a child, and the willingness to report because they 23 might not get chosen or they might not move on to better 24 themselves. We know that organisations may have covered 25 this up, but I know, because I had the pleasure of</p> <p style="text-align: center;">Page 97</p>	<p>1 speaking to Dr Mathews this morning, and what would be 2 interesting for me -- and I know you've worked with, is 3 it Australian Rules, Ben, you've done some of this work 4 with Australian Rules? And I think, from a sports 5 setting, because I know that children -- and from my own 6 experiences -- don't speak up because they think that 7 their chance of actually succeeding at whatever sport 8 that is, makes them not say anything and they believe 9 that the coach has the power to select them and/or not 10 select them. 11 So it would be really interesting for me to find out 12 how the mandatory reporting worked with the Australian 13 Rules that you alluded to this morning and there may be 14 some work we can do surrounding that, going forward. 15 MS KARMY-JONES: Tina, what about Scouts? Is it 16 organisational or individuals? 17 MS WILSON: I think we would be concerned that volunteers 18 would be expected to have the same level of professional 19 expertise or the ability to spot that other 20 professionals would. I think we in Scouts have invested 21 hugely in a professional safeguarding team, but also on 22 that culture of reporting. And by that I mean the real 23 low-level concerns that actually build a prevention 24 picture rather than a reaction picture. So we would be 25 concerned if this was brought in and I think certainly,</p> <p style="text-align: center;">Page 98</p>
<p>1 like you're saying, Paul, the children's belief is key, 2 because if a child believes that a sports coach has the 3 ability to out them out of sports, if they believe that 4 a Scout leader may have the ability to stop them from 5 going on, then that's part of a grooming process that 6 can be led on to that child being harmed. If they know 7 the rules and they know what is right and what's wrong 8 and what can and cannot happen to them, then that's what 9 protects. So for us, we would have a concern around 10 volunteers being able to have an expectation to have the 11 same professional expertise as other statutory bodies 12 that I think you've named, Ben. 13 MS KARMY-JONES: What about staff working in, say, health 14 sectors who are not professionally registered, for 15 example, working in a care home, in children's homes, in 16 non-clinical healthcare staff, what about those, Moya, 17 do you have any observations about that? 18 MRS SUTTON: My mantra has always been that safeguarding is 19 everybody's business. And we need to be able to talk 20 about it in that environment. I think if we 21 differentiate between the highly qualified professional 22 being the one that has the knowledge and the expertise, 23 then I think we miss an opportunity for people who may 24 be trusted by young people and certainly in some of my 25 experiences play leaders have been the trusted person in</p> <p style="text-align: center;">Page 99</p>	<p>1 young people's lives. 2 So I think I go back to my earlier point and 3 I certainly agree with what Rachel said before, there 4 are already statutory instruments that support us 5 working together in terms of exploring what needs to 6 happen if there is an allegation of sexual abuse, but 7 I do think that -- and in previous examples -- I don't 8 know if I raised it at the conference a couple of years 9 ago -- a volunteer raised a significant concern about 10 a potential child sexual abuse incident or concern and, 11 had they not done that, we may never have known about 12 it, and they were strong enough and brave enough to come 13 to somebody in authority, in their view, to say, "I've 14 heard this, I've seen this. It's not a disclosure, but 15 I'm concerned about it. What should I do?" 16 So I think it's everybody's business and, as long as 17 we make sure that people know who to go to, with whether 18 it's a minor concern, whether it's a spurious complaint 19 whatever it is, that we stand a greater chance of 20 knowing and understanding what the scale of the problem 21 is. By not expecting unregulated staff, so to speak, or 22 volunteers, not to be able to escalate a concern, for me 23 is worse than anything. 24 But it's how that concern is then taken and managed 25 and shared with other organisations in terms of a proper</p> <p style="text-align: center;">Page 100</p>

<p>1 investigation, if required, is what we should be 2 supporting other members of staff to do. And again, in 3 my experience, I've had porters that have come to me 4 with concerns, domestics that have come to me with 5 concerns, about things they've heard in the canteen or 6 that they've heard on the corridor. We can't ignore 7 them, we have to support the staff to actually feel free 8 and brave to bring those concerns. 9 MS KARMY-JONES: That was going to be my question that 10 choice of words, people -- someone who is strong enough 11 and brave enough. If someone is not strong and brave, 12 how do you -- how do you get it out, how does it come 13 out, what support is there for those people? 14 MRS SUTTON: For me, something -- and it sounds very 15 grandiose, but knowledge is power and it doesn't matter, 16 you don't have to have a PhD in safeguarding to have the 17 knowledge, you've got to know -- if you have a gut 18 instinct or you've heard something, you have got to know 19 who to go to, that you're concerns will be listened to, 20 that you won't be ridiculed in any way, shape or form 21 and that it will then be taken and dealt with, but 22 I think one of the concerns that we've had for years in 23 safeguarding is sometimes referrals can be made, and we 24 don't hear what happens at the very end, so we're left 25 with a worry about, "Well, what actually did happen to</p> <p style="text-align: center;">Page 101</p>	<p>1 that individual? Did I make a difference or didn't I?". 2 I've always worked on the premise that whoever has 3 raised the concern should be kept updated, not with the 4 detail of everything, but how the concern has been 5 handled. And I also believe very strongly that if there 6 is a view across the partnerships that no further action 7 should be taken, but you, as a responsible individual, 8 feel very strongly that it should be taken, that you 9 have the right to challenge the fact that no further 10 action is being taken, and it's organisational leaders 11 that have the responsibility and the leadership role to 12 make sure that everybody in the organisation knows that 13 safeguarding is their business. 14 MS KARMY-JONES: Okay, thank you. 15 I'm going to skip over a couple of my other 16 questions so I can move on to a question about what it 17 is that is mandated to be reported, as opposed to who. 18 Obviously these are interlapping questions, so we 19 may touch back on the earlier topic, but can I say this, 20 it was noted during the presentation that some models of 21 mandatory reporting have exceptions to the reporting 22 duty. In a sense, I suppose you could say that the 23 Welsh model has exceptions to the reporting duty. 24 Are there any reflections on sexual abuse of older 25 children being excluded from mandatory reporting duties</p> <p style="text-align: center;">Page 102</p>
<p>1 and whether mandatory reporting should extend to 2 peer-on-peer abuse or harmful sexual behaviour, which is 3 something Ben mentioned yesterday, touched on in one of 4 the models. 5 Almudena, do you have any views on that? First of 6 all, reflections on sexual abuse of older children being 7 excluded, should they be excluded and should 8 peer-on-peer abuse be excluded? 9 MS LARA: Okay. So on the first about the age limit, 10 I think, if it is abuse, it's abuse, it doesn't matter 11 whether you are 5 years old or 15. 12 MS KARMY-JONES: We draw a line, though, don't we, when we 13 get to 17, 18? 14 MS LARA: Well, but we are talking about consensual sexual 15 activity. I think, if you are under the age of 16 -- 16 and in law that activity is defined as sexual abuse. 17 I think the issue is when that abuse comes from 18 another young person, or when that activity is in the 19 context of two young people entering in that -- in that 20 activity. 21 I think there are situations where that activity, 22 towards the upper limit of the age band, might be 23 consensual, but we need to be careful because many 24 children are coerced into entering into activity. 25 I think the point that I want to make links to, what</p> <p style="text-align: center;">Page 103</p>	<p>1 Dr Blackman made yesterday, which, whether you report or 2 not, or the confidence that, as a professional, you have 3 when you report or not to children's services, depends 4 on what you think the response from children's services 5 is going to be to the concerns you raise. 6 I think with peer-on-peer abuse we haven't got it 7 right, certainly not yet. And I think more work needs 8 to be done to get the right response from services. 9 So my concern would be that in a situation where -- 10 that the knowledge of some inappropriate activity going 11 own, that triggers a report, and that report triggers 12 the wrong response from children's services, which can 13 end up criminalising -- as Mr Britton was saying 14 yesterday, criminalising of people at a young age, 15 I think that that -- that's not necessarily something 16 that it's positive for -- for the young person, but we 17 also need to be very mindful that in those situations 18 there will be a young person that is the victim of some 19 abuse. 20 So in not criminalising the young person that might 21 be perpetrating some offences, I think we need to also 22 be mindful that in this equation there is also a young 23 person that needs support, and the right response from 24 services would be to actually put in place the right 25 support for both young people so that the young person</p> <p style="text-align: center;">Page 104</p>

<p>1 that is engaging in harmful sexual behaviour understands 2 the impact of their behaviour and how that behaviour can 3 be managed, but also -- and this is important -- we 4 don't forget the victim, and the victim needs to be 5 supported and receive the right services to recover and 6 get the emotional support that is required. 7 Sadly, that's often not the case and we need to 8 really, as a system, work out better to understand how 9 to deal with harmful sexual behaviour and with abuse 10 when it's happening between peers. 11 MS KARMY-JONES: Okay. Michelle, have you got any 12 observations on this? 13 MS DENNY-BROWNE: All too familiar, really, that not just 14 the survivor of sexual abuse is not getting the 15 support -- is getting the support, but also the 16 perpetrator themselves has not -- you know, is not being 17 supported at a very young age and I think that's really 18 important, especially when they're, like, 14, 15. That 19 really needs to be looked at. I think a lot more work 20 needs to be done with that, a lot more research and 21 support. 22 MS KARMY-JONES: So should mandatory reporting apply to 23 those kind of peer-on-peer situations or not? 24 MS DENNY-BROWNE: I think that's a very difficult situation, 25 but I think, until more research has been done into</p> <p style="text-align: center;">Page 105</p>	<p>1 that, I don't really think that's something that I can 2 answer. I think -- I'm not really keen on the whole 3 criminal element of that and that, for me, is what makes 4 me say no, because -- because I think, you know, 5 a 13-year-old child being criminalised for that, really 6 what needs to happen is support, and really looking at 7 changes in behaviour and how -- especially at such 8 a young age, that behaviour can be changed. 9 So I think that's where we need to be looking at 10 more rather than the criminal element of that. 11 MS KARMY-JONES: All right. I'm going to ask two more 12 people around the horseshoe to contribute. One is Tom, 13 and then I'm going to come to Ben for a comment on that, 14 please. 15 MR PERRY: Thank you. May I just go to something that Moya 16 said first of all, and this was about feedback to 17 regulated activities. 18 Moya you're absolutely right. I mean, this is one 19 of the things we have put in our submission and our 20 proposed draft legislation, actually. Is feedback to 21 the regulated activity following -- following referrals? 22 At the moment, it's a bit like sort of yelling into 23 a black hole, you get absolutely nothing back from the 24 local authority and, actually, what this prompts is 25 disengagement. That's what has to be understood. So</p> <p style="text-align: center;">Page 106</p>
<p>1 it's there on page 8 of our submission, black and white: 2 "Peer-on-peer sexual abuse, should it be mandatory?" 3 Well, you might be interested to know -- this is 4 actually rather interesting, I think, and I can mention 5 the setting because it's now closed; right? 6 Cabin Hill School in Northern Ireland -- phew, there 7 we go -- 8 MS KARMY-JONES: I'm going to pause you there because it may 9 be closed, but there may nonetheless be individuals who 10 are associated with it. I just wonder if we could just 11 pause. 12 MR PERRY: It's been long closed. 13 MS KARMY-JONES: How long? 14 MR PERRY: 2008, I believe. 15 MS KARMY-JONES: No, I think -- can we just pause that 16 please? Sorry. 17 There may well be individuals who are still around, 18 who are associated with it, and I'd just rather that the 19 name of it weren't mentioned. 20 MR PERRY: All right, fine. So where do we pick up -- 21 MS KARMY-JONES: Pause a minute. We'll be told in a second. 22 MR PERRY: Okay. 23 (Pause) 24 MS KARMY-JONES: Mr Perry, you were about to tell us 25 something about a institution somewhere.</p> <p style="text-align: center;">Page 107</p>	<p>1 MR PERRY: A school, somewhere, right, okay. 2 Well, all right, yes, but it -- 3 MS KARMY-JONES: I think you mentioned that it was a school 4 in Northern Ireland. 5 MR PERRY: Good. Okay, fine. So it's a school in Northern 6 Ireland, right, we're there. 7 Because actually this is what prompted the inquiry, 8 the public inquiry, in Northern Ireland which resulted 9 in the introduction of mandatory reporting, and it was 10 peer-on-peer abuse, actually. And it was unreported by 11 the school, repeatedly unreported by the school. This 12 was eventually discovered, and it was Barry Gardiner MP, 13 Brent North, current opposition, frontbench spokesman on 14 Europe, who introduced -- following the report -- 15 introduced mandatory reporting. He used a very blunt 16 instrument indeed, but nonetheless it was -- it sort of 17 had effect, but the government -- since 2010 the 18 government has gone about undermining it at the rate of 19 knots, I'm sorry to say. It was section 5.1 of the 20 Criminal Law Act 1967, which effectively was 21 anti-terrorist legislation, and it's a crime not to 22 report an indictable offence. It was considered that 23 an indictable offence was pupil-on-pupil abuse at this 24 setting. 25 It's a great shame that the Government has gone out</p> <p style="text-align: center;">Page 108</p>

<p>1 of its way to pull every bung out of the bottom of the 2 boat that it possibly can to make sure it doesn't 3 function. I guess it's because it's embarrassing having 4 mandatory reporting in your backyard in a UK 5 jurisdiction. I think that's probably what it's more 6 about. It's dogma rather than anything else. 7 MS KARMY-JONES: Okay. 8 Ben, just very quickly. 9 PROF MATHEWS: Thanks. 10 So I've just got about four points to make quickly. 11 First, should there be an age limit? I think no. 12 Second, I think we need to exclude genuinely 13 consensual peer-to-peer behaviour and be careful about 14 how to define that, and how to educate reporters about 15 those kinds of genuinely consensual situations that 16 should not be reported and contrast those with the kinds 17 of situations which should be reported. 18 Third, the question about whether to include 19 peer-to-peer abuse. This is a difficult one, but 20 I think our starting point there should be to realise 21 that there are two kinds of subsets of cases, one in 22 which the reporter may not know who the abuser is, 23 they've just detected the child's behaviour, they may 24 have received a disclosure but they don't know who the 25 abuser is. So in some of those cases it may be a peer.</p> <p style="text-align: center;">Page 109</p>	<p>1 So those cases need to be reported anyway. 2 In the other subset of cases where the reporter may 3 know the abuser is a peer, generally I think, yes, those 4 cases should be reported. There may be some exceptions 5 to that which are more clearly a matter for directly for 6 police. So, for example, if there's an isolated 7 incident of a sexual assault by two school students, 8 that might be a matter that should be reported to 9 police, it may not necessarily be a matter that should 10 be reported to the child protection agency, it may go to 11 both; but if the report goes to either police or the 12 child protection agency they should work together to 13 figure out the appropriate response. 14 Overall, peer-to-peer abuse, apart from those 15 isolated incidents, can be just as serious in terms of 16 its consequences for the child and their health as abuse 17 by an adult. So there's no good reason to exclude it 18 even when it's known that the abuser is another peer. 19 So overall I would include that, and I would 20 re-affirm and repeat that the primary obligation of the 21 mandated reporter is not to figure out everything about 22 the most appropriate response, it's to bring the case to 23 the attention of the agencies whose job that is and 24 whose expertise that is. That's the child protection 25 agency who works together with health, criminal justice</p> <p style="text-align: center;">Page 110</p>
<p>1 responses, they together figure out what the child and 2 the child's family, and in some cases the peer abuser, 3 needs. 4 MS KARMY-JONES: All right. Thank you. 5 Now, I know there are a couple more people who want 6 to speak, but if you don't mind can I come back to you 7 after the break? So hold those thoughts, collate them, 8 if you like. 9 I'd like to widen it out as well, just after the 10 break, very briefly before we move to our next topic, to 11 include the question of whether past abuse, or what used 12 to be called "historical sexual abuse", should be 13 included in the models, just to touch on that. And I'm 14 going to ask for the police perspective, when we come 15 back, if I may. 16 I'd like to turn now to the public gallery. 17 Right. First of all, if I may just slightly break 18 with convention and take a comment from someone who 19 wanted to speak last time. Second in the first row. 20 I'll allow you to name yourself, if you wish. 21 Observations from THE PUBLIC GALLERY 22 CORE PARTICIPANT: Not in this instance. So I want to talk 23 about peer-on-peer; okay? Very careful what one's 24 saying. 25 So bullying in schools is often psychological and</p> <p style="text-align: center;">Page 111</p>	<p>1 physical before there is peer-on-peer abuse, maybe. In 2 this case there was. Inappropriate sexual touching was 3 reported to the school, their bullying policy, their 4 child safeguarding policy, was printed off. The child 5 experiences sat within what this policy set out clearly. 6 Many meetings over several years were held with 7 teachers, safeguarding officer, vice principal and the 8 school counsellor. A report of inappropriate sexual 9 touching was made and lost; it was asked for on several 10 occasions. Because the school would not acknowledge or 11 accept that the bullying occurred with the sexual 12 assault, even though there was a clear timeline of 13 incidences, they wouldn't acknowledge it, and because 14 they wouldn't acknowledge it -- they took the corrective 15 action with the individuals involved -- but because they 16 wouldn't acknowledge it the victim was not given the 17 appropriate response, they minimised the impact on the 18 victim and because the victim's impact was minimised 19 they're now struggling with school. 20 So it's really important for me that peer-on-peer 21 abuse -- and you were talking about collusion not 22 happening, well this is a clear example where there is 23 collusion because they've not escalated it up. And the 24 reason being if they don't escalate it up they don't 25 have to report it to Ofsted and their reputation stays</p> <p style="text-align: center;">Page 112</p>

<p>1 intact. And this is not an isolated incident. 2 So I just wanted to put that clearly on the table. 3 While I've got the microphone, I just want to say is 4 the state or in fact anybody comfortable in allowing 5 hidden child abuse to happen? We know from 6 the November 2015 report from the Children's 7 Commissioner that only one in eight children were known 8 to authorities, what is going to happen to the other 9 seven out of eight children that are not known to the 10 authorities? So it's about having this professional 11 curiosity and making sure that all adults that are 12 involved with all children notice what is going on for 13 those children, especially in professional settings, and 14 understanding that their intervention could stop the 15 impact on that child for a lifetime, but also could help 16 them with their education and lessen the impact of the 17 trauma that that child is going through. So it's so, so 18 important that this mandatory reporting is just there to 19 make the professionals, however we want to define them, 20 to actually report upwards. Because I've just given you 21 a clear example that is ongoing that has not been 22 reported up. 23 MS KARMY-JONES: Thank you. Just hang on a second. First 24 of all, are there any core participants who have not yet 25 spoken in the course of this seminar who want to</p> <p style="text-align: center;">Page 113</p>	<p>1 contribute? Are there any people who have not yet 2 spoken in the public gallery who want to contribute? 3 Right. Can we go to the gentleman in the centre front, 4 and I'll come on to the gentleman in the middle in 5 a moment. 6 MEMBER OF THE PUBLIC: Geoff Wyatt. I think what the last 7 speaker has said is profoundly important. Doctors must 8 be mandated because they have a long history of 9 non-disclosure. If you went to see a doctor in the 10 1950s, the doctor may not tell you what was the matter 11 with you. 12 There is a paper -- and I can send it to the 13 IICSA -- written in 2006 where doctors were surveyed, 14 they wouldn't tell a patient in the 1970 or 60s that 15 they had cancer because there was no treatment. They 16 wouldn't tell people who were dying that they were dying 17 in the 1970s, possibly in the 1980s. 18 So truth-telling is a big issue for doctors, for the 19 medical profession, and unless doctors are mandated and 20 told that they have to consider a medical diagnosis -- 21 and remember that's what all of you expect when you go 22 and see the doctor, you don't go to the doctor and say, 23 "I think I've got pneumonia, could you send me to 24 hospital?" You go to the doctor with symptoms, the 25 doctor makes a report, sends you to hospital. Child</p> <p style="text-align: center;">Page 114</p>
<p>1 sexual abuse must be seen in exactly that same way, it 2 is something the doctor must think about, and, if there 3 are grounds for making a medical diagnosis, the doctor 4 must be mandated to do so. 5 MS KARMY-JONES: Thank you. 6 Can I go to the gentleman in the middle, and then 7 we'll come to the lady on the end. The gentleman in the 8 middle in the blue shirt. Can you keep it quite short 9 though, please, to time. 10 CORE PARTICIPANT: In my day job I am actually subject to 11 two varieties of mandatory reporting, for money 12 laundering and data protection. Because I'm not 13 a senior officer in the company the training is actually 14 quite straightforward, it's a straightforward 15 description of the sorts of things you should be on the 16 lookout for and who you tell if you see something. It 17 is really very, very straightforward. 18 Now, the legal profession had a great hoo-ha when 19 the money-laundering obligation was first brought in, 20 I think in 2002, but they've got used to it. I think 21 that there are definite parallels here concerning 22 reporting child abuse, you will get used to the new 23 system, it will become unthinkable not to make the 24 report, it will become normal. We don't want 25 a situation where a junior member of staff reports</p> <p style="text-align: center;">Page 115</p>	<p>1 a concern to a senior member of staff, who says, "Oh no, 2 that's unthinkable, you mustn't tell anybody else." 3 A mandatory reporting system would have -- well, first 4 of all, the senior member of the staff would be unwise 5 to say such a thing, so the report will get out, and 6 that's what we want to achieve. Second, if the senior 7 member of staff were so unwise, the junior member of 8 staff then would have two possible things to report, one 9 would be the original incident and, second, would be the 10 potentially criminal action of the senior member of 11 staff in telling him to shut up about it. 12 That completely changes the balance of power, it 13 means that those who have something to report and 14 currently a fear to would have a much higher degree of 15 protection. That really changes the entire landscape. 16 Thank you. 17 MS KARMY-JONES: Thank you. 18 The lady at the end of the front row will be our 19 last comment for the morning. 20 CORE PARTICIPANT: Okay. There seems to be no practical 21 distinction between the Welsh and English systems, at 22 least as far as I can tell. In both cases people who 23 support these systems say that we don't need to 24 criminalise a failure to report because current 25 sanctions are enough, that there are consequences</p> <p style="text-align: center;">Page 116</p>

<p>1 already for failing to report; for example, somebody 2 could lose their job, perhaps. But I've asked whether 3 this has ever actually happened and they don't know, 4 they don't know because they don't collect the data on 5 this so it doesn't really fill me with confidence. 6 On the subject of unintended consequences -- and 7 I realise the lady who brought this up wasn't here 8 yesterday -- my response to that would be to look at the 9 evidence. As far as I'm aware there's no empirical 10 study which supports the concerns that people have about 11 implementing mandatory reporting. 12 And I'd also be interested to know -- and I'm being 13 careful not to raise this as a question -- I would be 14 interested to know whether there is any mandatory 15 reporting jurisdiction which is later dismantled, 16 mandatory reporting haven't realised that it doesn't 17 work. I wonder if that has ever happened. 18 So, yes, knowledge is power, but it's only as 19 powerful as our willingness to change our mind because 20 of it; if we're still pre-committed to our view, 21 regardless of the evidence, then what's the point? 22 MS KARMY-JONES: Thank you. 23 Just on that last point, can I just turn to Ben for 24 a yes or no answer. Do you know the answer to the 25 question? Well, yes or no, is there anywhere that has</p> <p style="text-align: center;">Page 117</p>	<p>1 dismantled mandatory reporting? 2 PROF MATHEWS: In the scores of countries that have enacted 3 mandatory reporting legislation for child sexual abuse, 4 none, to my knowledge, have reversed it. 5 Many of those jurisdictions have conducted 6 subsequent government inquiries, looking at whether it 7 is still justified as public policy, including on 8 economic grounds, and they've concluded that yes, it is. 9 MS KARMY-JONES: Thank you. 10 Perhaps that's a good point to break for lunch. 11 We're going to come back to the police view and 12 historic briefly before we move on to our next topic. 13 We'll see you at 2 o'clock. 14 Thank you very much everyone. 15 (1.00 pm) 16 (The short adjournment) 17 (2.00 pm) 18 Session 4 (continued) 19 MS KARMY-JONES: All right, everyone is present? Thank you 20 for coming back. Those of you who have -- I can see 21 many have. 22 We were going to move on in a moment to discuss 23 consequences, but first of all, I'd like to mop up from 24 the last session and I'd like to ask Mike Britton for 25 the police view on what we were discussing just before</p> <p style="text-align: center;">Page 118</p>
<p>1 the lunch break. 2 DS BRITTON: Yes, thank you. 3 So the comment I wanted to make was the question you 4 asked around older children and whether they should be 5 included on it and it's not a "yes" or "no" answer from 6 me, really, it's more of a cautionary tale. 7 Coming back to the indecent imagery of children 8 offences that we see, obviously there is a peer-to-peer 9 element within youth-produced sexual imagery and what 10 I would caution is there's been a lot of work done with 11 the Home Office around education, so, for example, from 12 16 onwards it's -- consensual sex between over 16s is 13 allowed. What they don't tend to realise is that 14 sharing naked images of themselves under 18 is 15 an offence. So in drafting any type of mandatory 16 reporting, if it comes in, I think caution does need to 17 be put around that element, that there are certain parts 18 of legislation which need to be balanced around 19 education for children who are older rather than 20 younger. 21 MS KARMY-JONES: Thank you. 22 Then the next question I had was about historic or 23 what we now properly call non-recent sexual abuse. The 24 models we've looked at really largely seem to apply to 25 current sexual abuse, if you can call it that.</p> <p style="text-align: center;">Page 119</p>	<p>1 Should mandated reports be required to report 2 historic sexual abuse as well or only if there's a risk 3 that the perpetrator could be abusing children still? 4 DS BRITTON: So from this perspective, I would say in 2014 5 the police set up Operation Hydrant. Now, the remit of 6 Operation Hydrant is around non-recent child sexual 7 abuse specifically with people of public prominence or 8 in an institutional setting, so in relation to your 9 question, if mandatory reporting comes in and should it 10 be incumbent on those institutions to report incidents 11 which they already haven't, I would say, yes. The 12 rationale behind that is basically because the referrals 13 we still get now are on non-recent child sexual abuse in 14 institutional settings. Around 60 per cent of those 15 still have a life safeguarding requirement. So if there 16 are institutions which are effectively holding on to 17 this information and haven't reported it, then actually 18 that would come to us and we would be able to then make 19 those actionable life safeguarding requirements. 20 MS KARMY-JONES: Does anyone want to pose a counter-argument 21 to suggest non-recent sexual abuse should not be 22 included? Mr Perry, Tom? 23 MR PERRY: Yes, I do. 24 MS KARMY-JONES: You think it should not be included? 25 MR PERRY: I think it should not be included, because, look,</p> <p style="text-align: center;">Page 120</p>

1 we're then in adulthood. And I think we're then in
 2 a position to make up our own -- I mean, it took me
 3 a mere 38 years to make up my mind after having been
 4 abused, but the people have to work in their own time
 5 frame, then. The thing is, that in all reality the
 6 individual who had abused me was no longer teaching. He
 7 could still, theoretically, have been a risk, although
 8 I somehow doubt it. He may have been.
 9 And I think that, when you're in adulthood, it's got
 10 to be left to the adult. And how -- you know, yes.
 11 It's just got to be left to the adult to work it
 12 through. That's what I think, and that's a personal
 13 feeling. I'm not speaking as Mandate Now at that point,
 14 because, you know, there's every probability that the
 15 murder of barristers will give me a hard time, so I'm
 16 just speaking, me personally, on that point.
 17 MS KARMY-JONES: I'm just interested because there are
 18 sometimes others around the perpetrator who may have
 19 turned a blind eye, for instance --
 20 MR PERRY: Yes, yes.
 21 MS KARMY-JONES: -- and light may get cast on them.
 22 MR PERRY: Yes.
 23 MS KARMY-JONES: If something is reported, they may still be
 24 in situ, they may still be inclined to turn a blind eye.
 25 Would that change your view at all?

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1 of mandatory reporting, any sort of impact of mandatory
 2 reporting on me, at that point, I don't think would've
 3 been welcomed. I think, if anything, it could well have
 4 hampered things, to be quite frank with you. God, it's
 5 a bloody difficult job saying you've been abused,
 6 38 years, and getting those words out of your mouth ...
 7 that's why we need MR. But not for adults.
 8 MS KARMY-JONES: Noelle, did you have something you wanted
 9 to add?
 10 DR BLACKMAN: I was just really wanting to clarify, I wasn't
 11 sure who we were suggesting should do the reporting of
 12 historic abuse, because I think, if it's the victim
 13 themselves, I absolutely agree with Tom. Thinking about
 14 the people who we work with, who may disclose, when
 15 they're adults, to people who are still supporting them,
 16 and the organisations and the people within those
 17 organisations may still be -- have access to vulnerable
 18 people or children, so I think, in those situations,
 19 definitely. So I think that who is doing the reporting
 20 is the important bit there.
 21 MS KARMY-JONES: Right. So, Tom, you agree with that?
 22 MR PERRY: Yes.
 23 PARTICIPANT: Can I make one small point about peer-on-peer,
 24 because I think, again, with the people we work with, it
 25 may be a slightly different situation -- not entirely,

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1 MR PERRY: Again, I think you're in adulthood and I think,
 2 if you come to terms -- look, if you come to terms with
 3 something and you're going to do this thing that so few
 4 people do, which is disclose -- okay? -- whilst the
 5 adults in the setting remain silent -- and this is the
 6 point again of mandatory reporting; okay? -- when you
 7 come to the decision about coming out or disclosing,
 8 you're then going to be taking all these things --
 9 I rounded all these things up at that point, I gathered
 10 them all up and said "Right, okay, fine. Who do
 11 I speculate knew about this? What reasonable
 12 assumption -- who knew about this?" I have to tell you,
 13 I went through the list and I went and checked where
 14 they were and none of them were teaching, not that
 15 I could find, and I did do a search, I can tell you.
 16 You know, it's the one thing you do when you become --
 17 when you're an abused that comes to terms with things,
 18 what you get very good at is lifting the stones, which
 19 is why so many investigative journalists have been
 20 abused at school -- okay? -- mainly at schools, they
 21 lift stones. I went and looked and couldn't find it,
 22 and I thought "Right well, okay, I think we're clear
 23 here, so there's no risk", and I then proceeded. I then
 24 went off to the police and did what I had to do with the
 25 police. I think anything that was going to form any way

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1 but slightly. So I gave the figures for the fact that
 2 a much higher percentage of people with learning
 3 disabilities experience sexual abuse. A very high
 4 percentage of that is peer-on-peer as well, so it's
 5 something that is really important that needs to be
 6 considered. Respond works with young people as young as
 7 five, some of whom may also have gone on to show harmful
 8 sexual behaviour when they're really quite young still,
 9 at primary school, towards others and we work right the
 10 way through to adults who do this as well, and the root
 11 of that behaviour can be multiple, so it may be
 12 connected to their cognitive disability, it may be
 13 connected to lack of sex education, it may be connected
 14 to their own experiences of abuse and we do very
 15 in-depth risk assessments that really seek to understand
 16 the cause of the risk and what may make that risk less.
 17 And so I just think it's incredibly important we take
 18 this very seriously, that we think not about straight
 19 away going to the criminalisation kind of route, but
 20 that we risk assess and understand clearly what this --
 21 what the cause of this is, because it really important.
 22 MS KARMY-JONES: Okay. Thank you, I want to go to Moya,
 23 please. I'll come back to you.
 24 MRS SUTTON: Just more a point of clarity, if I may.
 25 I think the historic or non-recent option to be included

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<p>1 in mandatory reporting could pose quite a few 2 challenges. Certainly, I'm aware of many, many NHS 3 organisations that have closed down over many, many 4 years and organisational memory has gone, we know about 5 the inquiry's stance on record retention, record 6 destruction and that in itself has caused an awful lot 7 of concern for people who don't know where the records 8 are in some situations, because of organisations 9 closing, but as Noelle said, who would be -- who would 10 be the mandatory reporter who would be held to account 11 if a sanction was going to be implemented against the 12 organisation or the individual? If we don't know who -- 13 what -- where everything is in the system and how long 14 would we go back? What would be the cut-off point? 15 Would it be 30 years, 50 years, 60 years? I think it 16 would be fraught with challenge, to be truthful. 17 MS KARMY-JONES: Thank you. 18 I know that, Yehudis, you have an issue you'd like 19 to raise or a comment you'd like to make, but I have 20 another topic I think you might be interested in coming 21 in on, so you may have an opportunity in just a minute 22 in the context of this. 23 It's to do with consequences and we're going to talk 24 about the sort of natural consequences for failing to 25 report in a moment -- you know, the sanctions, to put it</p> <p style="text-align: center;">Page 125</p>	<p>1 another way, but what I want to ask about is a different 2 type of consequence. 3 Moya, you just referred to the organisations and the 4 individuals, but what about communities and how do 5 communities fit in to this question? So if you are -- 6 Ben differentiated between reporting to the police and 7 to other agencies. Again, the question is, what about 8 communities? What are the consequences of reporting on 9 the communities? You mentioned, Yehudis, the fear of 10 reporting outside the community because of what will 11 happen to the community and it's something we've seen in 12 a number of the strands and certainly the Catholic 13 strand which I'm involved in, where individuals, 14 parents, for example, may know something's gone wrong, 15 they may understand that it needs to be dealt with, but 16 they don't want to damage something that they care 17 deeply about, which might be the church or the community 18 or the organisation in that sense. 19 So what are the consequences to a community of 20 reporting? 21 MS GOLDSOBEL: I think that's a really broad question 22 because there's so many tiers within a community. 23 I think someone mentioned earlier, and I can't 24 remember exactly who, that it's going to take a cultural 25 shift in mindsets and the way we act and behave and</p> <p style="text-align: center;">Page 126</p>
<p>1 respond in this country to allegations and disclosures 2 of sexual abuse. It just means that these smaller 3 communities that tend to function on their own and set 4 up infrastructures on their own will take slightly 5 longer to catch up, but when there is a law in place, 6 everyone will have to catch up. 7 I think the consequences on those that will be 8 mandated reporters, will be slightly less than if it was 9 a victim speaking out. Because it would come down to 10 their sort of legal responsibility and a lot of people 11 in the community -- you know, we do have people that are 12 not morally upstanding and, we're told, lists of 13 offenders, but we also have people who work with 14 children who are morally upstanding and if they know 15 that this is a law, that this is their responsibility as 16 opposed to, "This is just recommended best practice", 17 that actually this could come on their head if they 18 don't report it, and so on, that they would be more 19 likely to report it and it would then create a culture 20 where people can report. 21 It also doesn't necessarily mean that the person 22 will be known as to who reported it, so maybe that's 23 another method of looking at when -- you know, talking 24 about the structure of developing mandatory reporting. 25 I have a lot of people that report to me because</p> <p style="text-align: center;">Page 127</p>	<p>1 I could report third-hand information to the police, and 2 it is such valuable source. It means that we can create 3 files and cases of data of offenders in the community, 4 that otherwise we would not have. It's totally a blank 5 canvas otherwise. 6 And if there was -- you know, I don't like the term 7 "whistleblower"; I think someone else said that as 8 well -- some form of protection that, you know, it 9 doesn't mean, if you're a mandatory reporter, it's going 10 to be plastered on the local council website, you know, 11 we've had a report, it's -- your information is 12 confidential, it's there to protect children as opposed 13 to vilify whoever is reporting, and I think that's 14 a really important component that would be needed for, 15 I think, most organisations and communities so that the 16 finger isn't pointed at sort of who is doing it. 17 I just wanted to also come back and my point was in 18 response somewhat to what Tom was saying. 19 You know, coming back to historic disclosures, what 20 we know about offenders is they're not going to offend 21 once. It's very rare. So they're going to continue 22 offending until they're either incarcerated or dead and, 23 when you think of it like that, you know, we live to 24 100, we're living longer, that's an awful amount of 25 access to children and young people and victims in</p> <p style="text-align: center;">Page 128</p>

1 whatever way, shape or form.
 2 If someone would have reported the person who abused
 3 me instead of me, I probably would've been rejoicing.
 4 I didn't want to report. I felt I had a responsibility
 5 to report, because I knew that this person can and will
 6 offend. So I felt I had to sacrifice all of that that
 7 I was going to lose for that. If I would've known that
 8 I could anonymously go report it elsewhere and someone
 9 would've reported it on and it would've sat somewhere
 10 and built a case, so to speak, but I think what the
 11 worry is, is that we're looking at it as every mandatory
 12 reporter would then go straight to criminal process and
 13 to the police. I think we need to really look at the
 14 model that we're talking about mandatory reporting,
 15 where are those referrals going to? I don't think
 16 anyone here has ownership of where it's -- who is
 17 picking those up and -- I know this going to be the
 18 dreaded word, "money", but in an ideal world, we can
 19 have a mandatory reporting hotline with trained people
 20 on the other side of this phone who can carry out this
 21 risk assessment, take the information necessary, and
 22 handle this case management as opposed to saying, "Well,
 23 we're leaving a teacher to decide who she should be
 24 calling. Should she be calling the police, should she
 25 be calling the local authority?", and so on. That's

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1 MS KARMY-JONES: Potentially independent?
 2 PARTICIPANT: I love independence, so I'm going to say yes,
 3 but that's obviously up for discussion. But it's
 4 also -- one of the biggest issues we're having at the
 5 moment is trying to collate the local authority data on
 6 reportings that they have, as well as the police.
 7 How do you get a picture of who the offenders are,
 8 where they are, what they're doing? Are they back into
 9 teaching, are they not? Especially the more secluded
 10 the community is, when you have some schools reporting
 11 to the local authority, some reporting to the police,
 12 and they don't always match up.
 13 So if this was going to go into force, then who is
 14 going to pick up all these cases? And it does need to
 15 be a lot more streamlined.
 16 MS KARMY-JONES: Michelle, do you have anything you'd add to
 17 that?
 18 MS DENNY-BROWNE: I really love the idea of that. I think
 19 we've spoken a little bit earlier about collusion and
 20 things like that and I think that potentially it has to
 21 be something that's independent.
 22 My confusion, actually, was always about mandatory
 23 reporting and what happens after that, does that go
 24 straight to the police, does that -- what would be the
 25 process of that? I think if there is something that's

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1 confusing for anyone. So we've just established whether
 2 we're worried about that child. Is that abuse, is it
 3 not? Right, now let me figure out who I'm going to
 4 call, who I'm going to say this to, what information do
 5 I need? If it's the police, I need that information; if
 6 it's this one, I need different ... so I think the
 7 structure that comes after that, yes, we want mandatory
 8 reporters and who is that going to be is what is the
 9 system after that and how do we develop that to protect
 10 the mandatory reporters as well as the victims and the
 11 children.
 12 MS KARMY-JONES: Also, is that structure in place and is it
 13 the same across professions potentially. So is the
 14 person the teacher calls the same person that the doctor
 15 calls or the porter calls or --
 16 MS GOLDSOBEL: Yes, because then you know it's the same
 17 system. It's not going to be the postcode lottery, it's
 18 not going to be, where in the country are you, are you
 19 going to get a different response, are you going to get
 20 a trained person, are you going to get six sessions on
 21 the NHS or not? The same response across the country,
 22 you're a mandatory reporter, you're going to report this
 23 concern, here is the number, straightforward, and
 24 someone on the other end is trained to pick up all these
 25 cases and do a risk assessment.

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1 independent and there is just one number that you can
 2 call and one organisation that can deal with that, then
 3 that will cut down on anything else.
 4 MS KARMY-JONES: Okay. Do you have any views on the
 5 question of whether an external intervention thereafter,
 6 how we achieve sufficient cultural sensitivity to ensure
 7 the right outcome so that cultures and communities
 8 aren't butting heads on these issues?
 9 MS DENNY-BROWNE: I think that has to go all the way through
 10 that, so from the start -- that needs to be considered
 11 from the outset, it's not something that you need
 12 a separate thing for, when you're making -- you know,
 13 somebody calls up, you need to know what culture are
 14 they from. This is from the initial, it should be with
 15 everything, it shouldn't just be something that is just
 16 an add-on.
 17 MS KARMY-JONES: Yes. Okay.
 18 I'm going to come back to Mike Britton for the
 19 police. Do you have any comment on the suggestion of
 20 an independent body to receive referrals? And my second
 21 question is going to be, how are police overcoming the
 22 kind of barriers that there are to reporting that we've
 23 heard about. Mike?
 24 DS BRITTON: I've not really thought about independent
 25 reporting before, if I'm honest. The -- I will agree,

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<p>1 depending on how the route comes in, can elicit a very 2 different response. 3 MS KARMY-JONES: Because it would, in effect, mean that 4 there was a layer between the police and the report 5 there would be another layer between the police and the 6 report, do you have a comment on that? 7 DS BRITTON: We kind of -- that is in place now, really. 8 So, you know, referrals that are made to children's 9 services and social services, actually IICSA themselves 10 who get phone calls from survivors and then it comes 11 into Operation Hydrant. That's not insurmountable for 12 us. What we would need -- or the requirement for us 13 would be that there's sufficient information if it was 14 to be decided upon a criminal investigation that 15 there -- we could act on it, you know, there's -- the 16 level of detail and the information that's provided is 17 the question really. And I agree, trying to marry up 18 data between agencies is really difficult. Data sharing 19 and -- and analysis of data between agencies is really, 20 really difficult. So at least, I suppose, from 21 a referral process, if mandatory reporting was brought 22 in, you would have a centralised location where you 23 could have some data extracted, but then how you would 24 marry that up further down the line, depending on which 25 agency it goes to and what the outcomes are would be</p> <p style="text-align: center;">Page 133</p>	<p>1 a different question. 2 MS KARMY-JONES: Okay. Rachel, did you have something you 3 wanted to add? 4 MS DICKINSON: Yes, I just wanted to link this conversation 5 into how we respond to concerns about children generally 6 again. So very often, we can be concerned about 7 children but we don't know that the cause of harm is 8 sexual abuse. So we know that children, for instance, 9 are going missing and we want to track what's happening 10 to them. The best way to do that, in my experience, is 11 through a local intelligence system, and if we were to 12 create a separate system for national reporting 13 independently -- and I understand the attractiveness of 14 an independent system -- in relation to the concern 15 about sexual abuse, at what point would that be brought 16 into play and how would local practitioners or local 17 members of communities understand which route they would 18 go down in relation to which concern? 19 I would just guard against doing things that 20 complicate routes into raising concerns about children 21 because we know that complication can form a barrier in 22 itself and it becomes an excuse not to do something. 23 Yes. 24 MS KARMY-JONES: Almudena? 25 MS LARA: Thank you. I think to some extent we already have</p> <p style="text-align: center;">Page 134</p>
<p>1 a system of independent reporting. The NSPCC runs 2 a helpline and we receive a wide-ranging number of 3 inquiries about concerns about safeguarding and I think 4 we have effective working with police and local 5 authorities to pass on concerns. 6 So I think that there are the makings of a system of 7 independent reporting, because we also know that not 8 everybody -- I'm not talking about professionals here, 9 but members of the public. Not everybody feels 10 confident enough to contact directly statutory services 11 and they might feel that they get independent and 12 less -- a less scary experience to test their concerns 13 with -- with -- with those that actually can guide them 14 in the process of carrying out a further report. 15 But the point that Rachel makes is also important, 16 I think, not to create extra layers of confusion that 17 actually ends up creating further opportunities for 18 reports to be missed in the system. 19 And I think that the most important thing about the 20 role that a service like the helpline plays as well, is 21 in triggering then the services for children that have 22 come to our attention. Sometimes -- and this is 23 something that I think the inquiry needs to look into -- 24 it's whether the thresholds are right for triggering 25 support and how do we manage that situation where</p> <p style="text-align: center;">Page 135</p>	<p>1 a concern has been raised that might have been passed on 2 and, actually, there is no way the response from the 3 system, or that response, might not be the appropriate 4 one. 5 MS KARMY-JONES: Okay. Thank you. 6 Katy, the last comment on this. 7 MS WILLISON: What we know is required in this kind of 8 response is what I'm afraid will sound like 9 a technicality, multi-agency working. It is the role of 10 the police and schools and local authorities and they 11 all do have to have a part to play, so the attractions 12 of an independent body means that in a way you're 13 removing some of that role and I think that would be 14 detrimental. 15 The other thing I think is really important is that 16 the research my department has done into looking at what 17 inhibits information-sharing between professionals, and 18 information-sharing is something that comes across -- 19 comes up very frequently in Serious Case Reviews 20 something that has meant there have been missed 21 opportunities to intervene to protect children, one of 22 the biggest barriers is different organisations. People 23 are more likely to share within their own organisation 24 they are much less likely to share across organisational 25 barriers, so putting more organisations in the mix feels</p> <p style="text-align: center;">Page 136</p>

<p>1 to me a risk that we actually make information sharing 2 worse rather than improve it. 3 MS KARMY-JONES: Thank you for that. I'm going to move on 4 to consequences in the other sense now and invite 5 Bethany to outline the different approaches taken to 6 consequences for not reporting child sexual abuse or 7 some of them at least. 8 MS ATKINSON: Thanks, Riel. 9 So returning to the four models of reporting that 10 I presented this morning, which is going to briefly 11 outline the different approach that each takes to the 12 consequences for not reporting abuse, at one end of the 13 spectrum is the duty to report in Wales, for which there 14 are no statutory consequences. Instead, failure to 15 report is managed through partner agencies, internal 16 disciplinary processes and, if appropriate, the relevant 17 regulator or professional body's fitness to practise or 18 misconduct proceedings. 19 By contrast for each of other three models presented 20 here, it is a criminal offence for mandated reporters to 21 not report child sexual abuse in line with statutory 22 requirements, although there are some differences. 23 In Victoria, the reportable conduct scheme includes 24 criminal penalty only for the heads of organisations 25 that fail to report, and that's in the form of a fine.</p> <p style="text-align: center;">Page 137</p>	<p>1 Whereas under the model proposed by Mandate Now, it 2 is a criminal offence for individuals to not report any 3 member of staff working in a regulated activity who 4 fails to report child sexual abuse -- as Tom said, 5 that's working closely with children, this morning -- 6 and they would therefore be subject to a criminal 7 penalty and that, again, would be in the form of a fine. 8 Somewhere between the two is the approach taken in 9 Ontario. 10 Although all persons are subject to the legal duty 11 to report, failure to report is only a criminal offence 12 for professionals who work with children, and only then 13 if their suspicion or knowledge of child sexual abuse is 14 based on information obtained during the course of their 15 professional duties. As in Victoria, the criminal 16 penalty which exists in Ontario is in the form of 17 a fine. Also note, in Ontario, volunteers are not 18 subject to the criminal penalty. 19 In addition to professionals who fail to report, in 20 Ontario any director, officer or employer in 21 an organisation who has knowledge that a child may be 22 being sexually abused, and permits or concurs in this 23 information not being reported, would also be guilty of 24 an offence. 25 So that's just a brief outline. I'm now going to</p> <p style="text-align: center;">Page 138</p>
<p>1 hand back to Riel to continue your discussions. 2 MS KARMY-JONES: Thanks, Bethany. So we know -- it was the 3 first point -- that in Wales there are no statutory 4 consequences or criminal penalties for failing to report 5 and going back to a question that's run through this, 6 could that be a reason why there's been less impact? 7 MR HEANEY: Certainly we wouldn't believe so. I think it's 8 really important to separate out the difference between 9 criminal. 10 We took the approach not to go down a criminal 11 route. There will be many in the room who would have 12 a different view upon that. The reason that we did it 13 and the thinking behind it, I think it's worth sharing 14 that because it allows the inquiry to weigh that up as 15 well. That was in relation to the fact that we didn't 16 want to create a kind of a blame/fear culture, we didn't 17 want people to be referring inappropriately, we wanted 18 people to be acting in a mature, professional route. 19 What we have done, it is linked into, you know, 20 performance, carrying out your functions, your codes of 21 practice, the fitness to practise, so there is what we 22 believe to be a proportionate which is around, are you 23 suitable to do your role? Should you be doing your job? 24 You know, the sanctions relate to, and would relate to, 25 professional practice.</p> <p style="text-align: center;">Page 139</p>	<p>1 Alongside that then, we don't see that standing 2 alone, we've mandated training and support and I know 3 there are some views around accreditation of training 4 being expressed in this hearing and around, you know, 5 the suitability of trainers, for example, but we believe 6 that really the whole workforce needs to be -- you know, 7 whether you're working in health, in a social services 8 department, education, you need to have training and 9 support to enable you to be able to identify the right 10 kind of issues to be able to refer onwards. So that's 11 just the approach we've taken in Wales. 12 MS KARMY-JONES: Ben, would you suggest that criminal 13 penalties do lead to a clearer culture or have a bearing 14 on the culture? 15 PROF MATHEWS: I would suggest it does. I think -- I think 16 they demonstrate that Parliament treats this duty as 17 a sufficiently grave duty that is held by individuals 18 that it is backed by a sanction. 19 MS KARMY-JONES: What do you say about a fear culture, 20 though, which is not what I asked, but I'm extending 21 a little bit further into what Albert said about we 22 don't want to create a fear culture. So you're 23 saying -- I'm not asking this very well so it's my 24 fault -- but you're saying, I think, that there is 25 an impact and it does create a clear understanding and</p> <p style="text-align: center;">Page 140</p>

<p>1 culture if a penalty or a sanction follows from 2 non-reporting. 3 PROF MATHEWS: I think it expresses to reporters how serious 4 the duty is and conveys to them the gravity of their 5 obligation and that it must be required -- that it must 6 be complied with. I'm not sure, and I've not seen any 7 evidence, that it clearly demonstrates a culture of 8 fear, or hypersensitive reporting of sexual abuse. 9 To elaborate on that, there was a feeling in one 10 jurisdiction, New South Wales in Australia, that the 11 presence of the statutory duty for failure to report may 12 have contributed to some temporary undesirable reporting 13 of exposure to domestic violence, but not for sexual 14 abuse; okay? So every jurisdiction, apart from New 15 South Wales in Australia, and in the US and Canada, for 16 that matter, have statutory penalties for failure to 17 comply with the duty, and I think Ireland has chosen not 18 to have a statutory penalty, but every other one does. 19 MS KARMY-JONES: But a differing severity? 20 PROF MATHEWS: Yes. 21 MS KARMY-JONES: A broad range from fines? 22 PROF MATHEWS: Sometimes it's just a fine, sometimes it's 23 a fine and/or imprisonment and sometimes a fine and 24 imprisonment, and fines of different levels. 25 MS KARMY-JONES: Thank you. Tom, did you have something you</p> <p style="text-align: center;">Page 141</p>	<p>1 wanted to add? 2 MR PERRY: Very quickly. I've heard this fear argument many 3 times, and including at the DfE, actually -- not under 4 your watch, some years before -- and I -- the last time 5 I heard this at the DfE off of such a squadron of civil 6 servants, I said, "Well, look, what happens when you go 7 to Tesco on a Saturday morning? You can get done for 8 19 criminal offences to go to Tesco and back. Do you 9 leave the house with your knees knocking?" The answer 10 of course is no. 11 What the law does, it influences your behaviour, and 12 that's what we want, it's a behaviour influencer. There 13 was a very good programme, "Unreliable Evidence", that's 14 a legal programme, I'm sure you probably know it, and 15 Lord Hoffmann was on it and Professor Andrew Ashworth QC 16 of the law faculty in Oxford and they disagreed 17 constantly throughout the entire programme. I mean, 18 there was no agreement on anything. "It's day", "It's 19 night", you know, it just went on and on. 20 One of our number who's in the room, actually, 21 introduced the preamble to mandatory reporting which 22 they were going to discuss. 23 The one time in the programme that these two 24 gentlemen -- Lord Hoffmann, you know, he's a serious, 25 serious legal officer. It was the one time that these</p> <p style="text-align: center;">Page 142</p>
<p>1 two agreed. That, actually, mandatory reporting was 2 useful because it was going to influence behaviour. 3 What Lord Hoffmann said is that the really good thing 4 about it is that it has particularity, because they're 5 nominated people, so it's very particular, it's very 6 defined. So will it create fear? I don't think so. 7 It's the Tesco argument, you know? 8 MS KARMY-JONES: Okay. Thank you. 9 One of the members of the public gallery raised the 10 issue that we don't know how often sanctions are applied 11 necessarily, for example, in regulatory proceedings. 12 Now, setting aside the fact that disciplinary and 13 regulatory penalties won't necessarily attach to 14 everyone who might be involved in the kind of reporting 15 we're speaking about, are sanctions used in those kinds 16 of cases and are they sufficient to deal with the 17 potential failure to report suspected child sexual abuse 18 and to encourage reporting. So, you know, perhaps we 19 can look at some of the FGM situations, that sort of 20 thing, to draw from, but, Sharon, from the GMC, are 21 sanctions used and are they sufficient? 22 MS BURTON: Well, to start by looking at, perhaps, sanctions 23 is maybe not the best way of describing it, but what 24 I would start by saying is that certainly from our point 25 of view, thinking about doctors' roles, it's been very</p> <p style="text-align: center;">Page 143</p>	<p>1 clear since 2012 when we published guidance about 2 doctors' child protection responsibilities that it is 3 part of everyday professional responsibility and 4 practice to be alert to the possibility of child abuse 5 in all its forms and what the responsibilities are 6 around, therefore, both identifying but also acting on 7 concerns or, indeed, evidence about a child being at 8 risk. 9 The way that our regulatory model works, that, 10 having made really clear what our expectations are, then 11 doctors who fail to meet those standards, meet those 12 expectations, do put themselves at risk of there being 13 regulatory action and, for most doctors, that's actually 14 quite a serious outcome for them, because the 15 possibility is that not only could we restrict their 16 practice, but, indeed, we could remove them from the 17 register, and that affects their whole livelihood. So 18 the possibility of professional regulatory action is 19 something that is quite serious for them as 20 a profession. 21 We certainly have data -- I don't have all the 22 statistics to hand with me today -- that shows that we 23 do take action every year on a number of cases that 24 are -- there's a spectrum of cases around child abuse 25 where we take action, but that I did ask my colleagues</p> <p style="text-align: center;">Page 144</p>

<p>1 to look in particular at cases where child sex abuse 2 would've been an issue and particularly about whether 3 we're taking evidence where there's evidence that 4 a doctor has failed to report or failed to take 5 appropriate action. 6 We do take a number of cases every year. Since the 7 guidance came out in 2012, we have so far -- my 8 colleagues are still looking at the data, so I will just 9 caution about the numbers -- but since 2012, we have 10 taken action, particularly about non-reporting around 11 child sex abuse, in around 49 cases that have been 12 reported to us and, in about half of those cases, there 13 have been regulatory sanctions, to use that language. 14 MS KARMY-JONES: What kind of sanctions? 15 PARTICIPANT: I don't right now have that data available to 16 you, but it's one of the things that we are pulling 17 together to share with the inquiry, because we thought 18 it would indeed be useful to have a look to see what the 19 figures are around abuse generally, and specifically 20 child sex abuse. So certainly, as a regulator, from our 21 point of view there are consequences and it is something 22 where we are taking action on a number of cases each 23 year. 24 MS KARMY-JONES: Okay, thank you. 25 Just considering the non-professional,</p> <p style="text-align: center;">Page 145</p>	<p>1 non-registered staff working with children, who wouldn't 2 be subject to any fitness to practise or necessarily 3 regulatory proceedings, is there any way that a failure 4 to report a concern or knowledge or a belief in child 5 sexual abuse is there any way that is currently 6 addressed? Rachel, can you think of any? 7 MS DICKINSON: I think obviously, as you've pointed out, it 8 doesn't -- the response to it doesn't sit within 9 a regulatory framework, it sits within an employer 10 framework in relation to any disciplinary or performance 11 code. So I don't have any data in relation to that, but 12 I think that the tools are there to deal with employees 13 who fail to discharge the responsibilities associated 14 with their post. What I can't say is how well they are 15 used. 16 MS KARMY-JONES: I suppose, if the post has set out those 17 responsibilities with sufficient clarity -- 18 PARTICIPANT: I think it would be very unlikely now to have 19 a setting that supported children from a child minding 20 setting to an early years setting, to a schools setting, 21 to a playgroup, for there not to be safeguarding 22 procedures and there not to be an expectation in terms 23 of code of conduct that those procedures were complied 24 with. 25 MS KARMY-JONES: And the procedures being consistent across</p> <p style="text-align: center;">Page 146</p>
<p>1 the various types of roles that you've mentioned? 2 PARTICIPANT: So I think that each setting would have 3 a clarity about what those safeguarding procedures were 4 and an expectation of roles and responsibilities for 5 people who were directly working with children. Where 6 I would raise a question is how far they would apply to 7 cleaners or caretakers, et cetera. It would be 8 something that would need to be looked at, I think. 9 MS KARMY-JONES: Thank you. 10 Just a second, please. 11 (Pause) 12 Ben, you told us that some territories and states do 13 have penalties and some don't. And is there any effect 14 on the volume of the reports that come out of the 15 different territories and states? What does it tell us? 16 PROF MATHEWS: It's hard to isolate that as a variable 17 effecting reporting practice, to tell the truth. New 18 South Wales is the only one in Australia that no longer 19 has the statutory penalty, it has a long history of 20 mandatory reporting, including of sexual abuse, since 21 1987. 22 It removed the statutory penalty in 2010. Since 23 then, to the best of my knowledge, there has not been 24 a drop-off in reports, so it may well be that the 25 removal of the penalty in that jurisdiction, within its</p> <p style="text-align: center;">Page 147</p>	<p>1 culture of reporting, has not affected reporting in 2 itself. 3 MS KARMY-JONES: Can you remind me how long it had it in 4 place before it removed -- 5 PROF MATHEWS: Since 1987, and it was then -- the penalty 6 was just removed in 2010. 7 However, it may be a different question for 8 a jurisdiction introducing mandatory reporting for the 9 first time. It might be a little bit risky not to have 10 a penalty, because that might send the wrong message 11 about how serious it is to actually comply with the 12 reporting duty. 13 Yes. 14 MS KARMY-JONES: Okay. 15 Just casting this open a little bit, are there any 16 other views from anyone around the horseshoe around 17 whether there should be a criminal penalty for those who 18 fail to report and, if so, who should that extend to? 19 If not, why not? So criminal penalty? Can we have 20 a show of hands? Does anyone think there should be 21 a criminal penalty? Noelle, your head is -- Paul, 22 right, and Tom. All right. Let's see -- and Moya. 23 Moya, were you putting your hand up to say you 24 agreed with the proposition or not? 25 MRS SUTTON: As a side point, if I could, if that would be</p> <p style="text-align: center;">Page 148</p>

<p>1 appropriate? 2 MS KARMY-JONES: Yes. 3 MRS SUTTON: Within current practice, we have a very defined 4 programme, or process, when there is an allegation made 5 against a professional. And this data is reported to 6 Local Safeguarding Children Boards quarterly through its 7 performance and assurance and governance frameworks. 8 What we do know and my question, I suppose, is about 9 how mandatory reporting and potential criminal sanctions 10 might be impacted in this process, what we do know is 11 that there are quite a significant number of spurious 12 allegations made about individuals and what would 13 normally happen is that each local authority has a Local 14 Authority Designated Officer who would meet with the 15 organisation to look at the allegation and then to 16 determine that the process is actioned. 17 If that allegation had come through the mandatory 18 reporting process, but was found to be spurious, of 19 which, as I've said, we know many of them do, the 20 implications for the individual who has had 21 an allegation made against them or has been reported 22 through a mandatory reporting system, I mean, the impact 23 can be really, really horrendous because many 24 individuals get suspended pending investigation with 25 no -- with no outcome, no evidence, but they may be off</p> <p style="text-align: center;">Page 149</p>	<p>1 work for quite a long time. I'm certainly aware of 2 certainly clinicians where this has more or less sort of 3 ruined their career because they've lost their 4 confidence in their practice and in themselves. 5 The question of the point of context is, would 6 mandatory reporting have to happen, even if the spurious 7 element of the allegation is considered at a very early 8 stage? I think it's something to consider. 9 MS KARMY-JONES: Okay. 10 Can I just go to Paul who raised his hand on the 11 question of whether there should be a criminal penalty 12 and why? 13 MR STEWART: I think what was interesting, what Ben said 14 about New South Wales, for instance, and then the 15 conversation you had about fear. I think in '87, in New 16 South Wales, there was a penalty for not -- a criminal 17 penalty. 18 I think then the mandatory reporting has been so 19 embedded up to 2010, it's almost like Tom says regarding 20 seat belts, when we had to wear them, and I think that's 21 probably the reason why in New South Wales that 22 people -- there is no drop-off in terms of people 23 reported it because it's now embedded in New South Wales 24 sort of society, if you will. 25 So I think when we talk about the fear, we should</p> <p style="text-align: center;">Page 150</p>
<p>1 flip it on the head and I think the fear of no criminal 2 sort of prosecution would then make people more aware 3 that they should report. And I think that that was 4 quite interesting about the New South Wales being from 5 '87 to 2010 and I think it's already embedded, which is 6 why it's not dropped off, I would suggest. 7 MS KARMY-JONES: Okay thanks. So, Mike, you did not put 8 your hand up at the idea that there should be a criminal 9 offence. Just explain to us your and the police 10 position. 11 DS BRITTON: So I'm very similar to Albert, really. I think 12 there needs to be fostered a culture of learning and 13 development and I don't necessarily -- so this is me 14 speaking -- agree that a criminal sanction for not 15 declaring, depending on how that comes about, as in 16 whether it's disclosure or whether it's identified 17 behaviour within children is made, I don't know whether 18 that would foster the right culture. 19 MS KARMY-JONES: It doesn't preclude learning and 20 development, does it? 21 DS BRITTON: Well, again, don't know. So, you know, you 22 were talking about criminal sanctions, so criminal 23 investigation with, you know, potential fines. 24 That would come squarely into policing, so you're 25 talking about a full investigation into policing. There</p> <p style="text-align: center;">Page 151</p>	<p>1 probably are other ways of managing sanctions which 2 would foster more of a learning culture. 3 MS KARMY-JONES: Does anyone think that introducing 4 a criminal sanction for individual professionals who 5 fail to report child sexual abuse might deter people 6 from entering those professions? Deter people from 7 entering the teaching profession or the medical 8 profession? Yes, Katy? 9 MS WILLISON: This was a point I wanted to make earlier. 10 I don't know if it would, but I think there is a risk of 11 that and I think it is as much a risk of people not 12 knowing the point at which they should make a referral. 13 What is very frequently said to us is that there is not 14 a point at which somebody knows that there is abuse; 15 there is a point that somebody wonders what is going on 16 where they are working with a child, where they are 17 trying to develop a relationship, and they have concerns 18 about that child. Those concerns might not be linked to 19 a particular type of abuse and they might not even be 20 defined around this could be sexual or it could be 21 something else, they just might know something is wrong. 22 The thing that worries me about criminal sanctions is at 23 what point someone starts becoming paralysed by that, 24 thinking, "I think there's something wrong. I don't 25 know whether I should report. I don't know if I'm now</p> <p style="text-align: center;">Page 152</p>

<p>1 committing a crime if I don't report". I think that is 2 a slightly worrying tendency to start criminalising some 3 of what should be professional behaviour and judgment. 4 Those are my concerns around it, and I think that 5 could -- I can't evidence it, I don't know, but it 6 could -- all of these professions are known as 7 challenging professions, they often tend to find it 8 difficult to recruit sufficient members of staff, they 9 often -- particularly in social work, we have high 10 agency rates, but we also have challenges recruiting to 11 the teaching profession. Things that might inhibit 12 recruitment to that would be a concern to me. 13 MS KARMY-JONES: But where does that leave the child, in the 14 sense that -- you know, in terms of the balancing 15 exercise? 16 MS WILLISON: I think it leaves the child with that person 17 knowing that they need to work with the child to get to 18 the bottom of that, and that might well need to be 19 reported at some point in that process. What I'm saying 20 is that knowing exactly when at that point in the 21 process is that professional judgment that we've been 22 talking about and if you make it a crime not to report 23 it at the first inkling of a suspicion that could 24 inhibit some of that behaviour. 25 MS KARMY-JONES: Is that person, that person, the right</p> <p style="text-align: center;">Page 153</p>	<p>1 person to be working with the child? 2 PARTICIPANT: I'm not sure which person we're talking about 3 but if it's a social worker, for example, or a teacher 4 then, if it's a social worker, then, yes, it certainly 5 is; if it's a teacher, then I agree those circumstances 6 are slightly different, but even so -- and I would look 7 to my teaching colleagues to say more about this -- that 8 point at which you are just wondering whether a child 9 has challenges in their life or you are thinking whether 10 there is something more sinister going on, you know, 11 these are not very black and white areas, there are 12 quite often lots and lots of shades of grey. That's my 13 anxiety around criminalisation. 14 MS KARMY-JONES: Anna, I'm not stepping over you, Tom I will 15 come back to you in a bit. 16 MS COLE: Yes, I think keeping children safe is really 17 clear, and the flow chart is clear there, and staff 18 working in schools, teachers and other staff as well, 19 would have a process and, if they were concerned, they 20 would have a conversation with the designated -- the 21 senior lead, the designated lead in the school and 22 I would be concerned again at which point it would be 23 a criminal offence not to make a report. So I think 24 they should -- if they have any concerns, they think 25 something isn't quite right, they know that the next</p> <p style="text-align: center;">Page 154</p>
<p>1 step is to have a conversation with the designated lead. 2 MS KARMY-JONES: Noelle, did you have a point to make? 3 DR BLACKMAN: I shot my hand up really quickly about whether 4 this should be -- I've lost my language. Anyway, 5 I think it should be the leads, because I think what 6 that does is that ensures that, any organisation, it's 7 the lead's response to make sure there's all the right 8 processes in place and that everybody knows what their 9 role in that is and that then there will be hopefully 10 very clear processes to be examined that maybe haven't 11 been followed and it's the leads that take that 12 responsibility. Otherwise, we could end up with 13 the kind of situations we've had in big child abuse 14 cases where individual social workers are hounded out of 15 positions and that's not a good place for us to end up. 16 MS KARMY-JONES: Would a sanction that applies only to leads 17 or heads be sufficient to encourage reporting and to 18 deal with failures on reporting? 19 DR BLACKMAN: I think it depends what we all agree together 20 the framework should be for the mandatory reporting, so 21 I think, within any decision that is made about 22 mandatory reporting, there needs to be some attention 23 paid to the framework within which that happens, and the 24 lead would then be responsible for that. 25 MS KARMY-JONES: All right. Tom?</p> <p style="text-align: center;">Page 155</p>	<p>1 MR PERRY: I kept accumulating points, I've now got 2 a 42-point thing to go through now. 3 MS KARMY-JONES: 30 seconds in which to do your 42 points. 4 MR PERRY: Detective Superintendent Michael Britton doesn't 5 want criminalisation. Katy doesn't want criminalisation 6 for various reasons. The interesting thing is that we 7 already have criminalisation for not mandatorily 8 reporting in this country, and that's not mandatorily 9 reporting to the Disclosure and Barring Service. 10 Now, the fact is that the legislation is so 11 abysmally put together, there is no one to prosecute and 12 enforce the mandatory reporting. I can tell you now at 13 least three schools I know of that should have had -- 14 prosecutions should've been undertaken, for 15 non-returning of DBS; okay? And it's a level 5 fine. 16 So it already exists. I don't see people trembling; 17 okay? But sadly, because the law is so badly designed, 18 they're also not completing the DBS. So that rather 19 undermines the value of the DBS which sport in 20 particular puts so much value in. 21 Professional judgment, we're getting into this sort 22 of Magimixed arena again -- I can see you smiling -- and 23 this is where we get back to the DfE having included 24 social workers into their proposals. 25 You know, this is all lunacy, because, actually, we</p> <p style="text-align: center;">Page 156</p>

<p>1 want social workers to exercise their professional 2 judgment. 3 The professional judgment of teachers, sports 4 coaches and all those others that are defined as 5 regulated activities by the Safeguarding Vulnerable 6 Groups Act 2006 are specialists in what they do, which 7 is teaching sport and everything else. They are not in 8 safeguarding. In very simple terms, we want them to do 9 the simplest task of everything, is put it into the 10 hands of someone who is in a position to stop it if it's 11 happening. Period. 12 That's it. 13 MS KARMY-JONES: Sharon? 14 MS BURTON: Thank you. I suppose my observations about the 15 issues raised about sort of professional risk and 16 criminalisation, I don't purport to have an answer 17 because it's not something I think that anyone has tried 18 to really research, but what I can do is reflect on our 19 experience when we were developing the guidance in 2012, 20 the child protection guidance, that that was against 21 a sort of backdrop where there was strong professional 22 concern about the regulatory, the professional 23 regulatory risks run by pediatricians and others who 24 were trying to meet their responsibility to protect 25 children, and the fact that in some circumstances they</p> <p style="text-align: center;">Page 157</p>	<p>1 might find themselves subject to complaints by families 2 for a variety of reasons, in trying to pursue their 3 professional duties. 4 I mean, that is still always a possibility, so 5 I suppose it would be about an additional professional 6 risk in going into those areas of practice that, as well 7 as the possibility of having families complaining about 8 you to your regulator for reporting, there's 9 a possibility of being complained about and having 10 sanctions, especially criminal sanctions, for 11 non-reporting. So it's not to try to draw any 12 conclusions about whether that encourages or discourages 13 people, but I think it just becomes an aspect of being 14 a professional operating in the field, that I think we 15 would need to think about as a community about what we 16 would do to ensure people were supported to be able to 17 make those judgments, to be confident in entering those 18 roles and making those difficult judgments, which 19 certainly the feedback from health professionals has 20 been about, that these are always difficult cases, they 21 always have, in a sense, unique features, so there is 22 always an element of grey in trying to address those 23 issues. So I think it may just make the argument even 24 stronger for making sure that we have effective 25 education and training and really good professional</p> <p style="text-align: center;">Page 158</p>
<p>1 support that doctors and others can access to help them 2 to make those difficult judgments. 3 MS KARMY-JONES: Thanks. 4 Yehudis? 5 MS GOLDSOBEL: I'm just going to add something brief. 6 I think we're getting a bit carried away with those 7 working in institutions and establishments, and totally 8 losing focus of the fact that we're talking about 9 children and young people and, if we're focusing on 10 them, as opposed to the career concerns or those worried 11 about professional judgment, which the term can be, you 12 know, interpreted however we see fit, but at the end of 13 the day, we're talking about humans and, if there is no 14 punishment for this law, or -- you know, most of us in 15 this room, I would hope we're all sitting around the 16 table discussing the same thing, we are not going to 17 break this law, but there are going to be many people 18 that would, because with self-preservation, we're 19 thinking about ourselves and, if there is no consequence 20 to this non-reporting, well, it just comes back down to 21 best practice, which is what we've had for so many years 22 until this point, which is hoping people use their 23 professional judgment to report, and we wouldn't be 24 sitting at this inquiry if everyone did use their 25 professional judgments, you know, years ago.</p> <p style="text-align: center;">Page 159</p>	<p>1 So I think, if we're losing focus and worrying about 2 those not going into careers because they might have 3 a potential case at some point in their career in which 4 they might have a criminal offence, I think that's -- 5 you know, we're getting really distracted in the 6 nuances, really, of people's careers as opposed to 7 worrying about children and young people who are being 8 sexually abused. 9 MS KARMY-JONES: "What happens to the child?", is the 10 question I asked earlier, where does that leave the 11 child? 12 MS GOLDSOBEL: Yes. 13 MS KARMY-JONES: On the point of everyone being human, is it 14 a flaw that the test is, you know, knowledge, suspicion, 15 concern? There are different words you can apply to it. 16 Is there a flaw in that, in that we are all human and, 17 if we don't want to know, believe or be concerned, the 18 decision ends up resting with us? 19 MS GOLDSOBEL: Then we can also turn a blind eye and there 20 is the bystander theory and there is the theory that Ben 21 mentioned yesterday, you know, gaze aversion. That is 22 still going to continue to happen, if people will, you 23 know, choose to ignore it and so on, but if you are 24 concerned -- which then brings me back around to 25 an independent body. I'm a professional working in the</p> <p style="text-align: center;">Page 160</p>

<p>1 sector and sometimes I struggle with where to refer 2 families and children on to: is it the local authority 3 sector, are we referring them on to the NSPCC or is this 4 a school issue? If it's complicated for me, it's going 5 to be complicated for many people. Maybe you don't want 6 an independent something, but something needs to be more 7 streamlined to make it a bit more explanatory, and we 8 all should give up a bit of the turf war and make it 9 a much easier system so we won't be then criminalising 10 people for not reporting, and it comes back to the 11 education and awareness which everyone's in for -- you 12 know, promoting it before we even get to the concern of 13 criminalising it. It's, are we educating everyone 14 enough with it? Have we got streamlined services? Do 15 people know where they're referring to? 16 It's not a matter of setting up a new service and 17 taking it away from education sectors or social workers 18 and so on, it's actually working together. And I know 19 that's like a sort of mythical dream at the moment, but 20 one day it might just get to that point and, if we use 21 mandatory laws to put it in place and then it forces 22 everyone to get to that point, then sort of we're 23 winning, killing two birds with one stone, really. 24 MS KARMY-JONES: Looking at what we heard from Ben Mathews 25 yesterday, about his research and about the impact that</p> <p style="text-align: center;">Page 161</p>	<p>1 mandatory reporting has had in other areas, what's the 2 general view about whether the potential for an increase 3 in cases of child sexual abuse being identified, whether 4 that outweighs the possible downsides or concerns that 5 we've heard about. You're nodding. 6 MS GOLDSOBEL: I think the police weren't ready for the 7 influx of cases that hit them a few years ago, and it 8 wasn't down to us sitting around changing a legislation 9 or a law, it was because victims were fed up and people 10 died and it gave people an opportunity to finally speak 11 up. And the police were flooded, social services were 12 flooded, numbers have continued to rise because people 13 in the public have got social media and a platform to 14 talk. It's not because the country changed the ways in 15 which we're working and responding and intervening in 16 these abuse situations, I think it's time we all tried 17 to catch up with what is happening within the public 18 and, you know, I think we will have an influx, it's 19 inevitable there's going to be an influx. To not do it 20 because there will be an influx is utterly ridiculous, 21 you know, it just doesn't make sense, because it will 22 stabilise after time. 23 And I think someone mentioned the money word and 24 coming down to government of, you know, distribution of 25 funds. Whether it comes to that point of we're</p> <p style="text-align: center;">Page 162</p>
<p>1 literally waiting for change because government needs to 2 redistribute funds, then so be it, but I think it will 3 have to happen and we can't not do something because 4 there'll be an influx. 5 MS KARMY-JONES: Just on a slightly different topic, I said 6 at the outset we're not here to broker a compromise, but 7 as a general question for those of you who are in favour 8 of mandatory reporting, is any model of mandatory 9 reporting of child sexual abuse better than no model of 10 mandatory reporting? So, for example, if you take 11 a model that has a duty that applies to heads of 12 organisations only for which there are no criminal 13 sanctions, is that still better or not? No. Anyone 14 else. Yehudis says no. Ben? You have the background 15 and the ... 16 PROF MATHEWS: I think -- I don't think it's good public 17 policy to consciously put in place a model that you know 18 is not as sound as another. 19 MS KARMY-JONES: Yes, okay. I think that the many nods, 20 what he said -- all right, okay. Thank you very much. 21 I want to turn to the public gallery now for any 22 observations on that. 23 Again, if we go to core participants first. So any 24 core participants who haven't spoken and then we go to 25 the gentleman in the middle and, again, as I said</p> <p style="text-align: center;">Page 163</p>	<p>1 before, I don't name people if I know their names, it's 2 up to individuals to mention it. The gentleman in the 3 middle, in the blue. 4 Observations from THE PUBLIC GALLERY 5 CORE PARTICIPANT: Three brief points. First, on the basics 6 of prosecutions, if there were a mandatory reporting 7 law, I think the -- in cases of arguable disagreement 8 over professional judgment, it's really vanishingly 9 unlikely that the evidence would be sufficient to 10 justify a prosecution and, even if there were 11 a prosecution with a sort of reasonable prospect of 12 a conviction, I think that there would be a very good 13 arguable case for saying it wouldn't be in the public 14 interest to proceed, and so, in practice, I suspect 15 prosecutions will only occur in cases where there is 16 a clear and deliberate concealment, and those are the 17 cases -- really, the only cases that we would 18 particularly want to prosecute. The remainder of the 19 mandatory reporting law would be for the purpose of 20 giving a lead to those who actually want to do the right 21 thing and want to know what the right thing is. 22 As far as professional sanctions are concerned, 23 I mistrust them because professional organisations are 24 just as susceptible to a siege mentality as any other, 25 I think that the social work profession, for that</p> <p style="text-align: center;">Page 164</p>

<p>1 matter, has, with some justification, felt that 2 politicians are down on them to a quite unjustifiable 3 degree, and so professional bodies -- so disciplinary 4 bodies within those professions may be subject to those 5 sorts of siege mentalities and so be unwilling to 6 discipline people, and that would undermine the 7 effectiveness of any kind of mandatory reporting law. 8 Now one further thing from a bit earlier, this issue 9 of, "Well, what happens once a report has been made?", 10 and concerns as to whether mandatory reporting should be 11 put in place because of concerns about possible 12 incompetent responses, I think that the correct 13 approach -- the approach I would commend to the panel 14 would be that, if there are concerns about how to handle 15 a report once it has been received, then it's entirely 16 available to the panel to make recommendations in that 17 area as well. Because I think that mandatory reporting 18 is, as it were, an enabler. All the improved procedures 19 in the world won't do anything to cases that don't 20 actually reach the authorities. So I see mandatory 21 reporting, as it were, as a catalyst, as a force 22 multiplier rather than as an individual silver bullet 23 that will solve the entire problem. 24 MS KARMY-JONES: Thank you. Then I think the gentleman 25 sitting directly in front of you had a comment.</p> <p style="text-align: center;">Page 165</p>	<p>1 MEMBER OF THE PUBLIC: Dr Wyatt, Geoff Wyatt. I think 2 mandatory reporting is a game changer. Lots of 3 paediatricians have been reported to the General Medical 4 Council on the basis, as the person said, of complaint 5 for making the report. I think what the IICSA needs to 6 recognise is how far back this country is. Cleveland 7 occurred in 1987, that was the year that they introduced 8 mandatory reporting in an area in Australia. 1988 was 9 when I began my 22-year restriction from child abuse 10 work. If I'd have been reported to the General Medical 11 Council, and I wasn't, I would've been restricted for 12 three to five years, at the very most. 13 So what mandatory reporting will do is protect 14 reporters. That's the single most valuable feature of 15 mandatory reporting, in principle. 16 All the hard work then comes, what are you going to 17 report? But the single most useful thing that mandatory 18 reporting does in principle is it protects reporters. 19 MS KARMY-JONES: Thank you. Yes. The lady just there. 20 CORE PARTICIPANT: Just two comments, really. 21 Going back to the seat-belt analogy, everyone knows 22 now we have to wear a seat-belt or there will be 23 consequences. Now, this goes across all backgrounds, 24 all cultures, all ethnicities. It applies to everybody, 25 and I believe that MR would do the same, mandatory</p> <p style="text-align: center;">Page 166</p>
<p>1 reporting would do the same, in time, after we've had 2 the cultural shift. 3 Just an observation, really, I'm not quite sure if 4 I've got this right, but in your review -- 5 MS KARMY-JONES: You're pointing at Katy Willison? 6 CORE PARTICIPANT: Yes, sorry. You said only 16 per cent of 7 professionals wanted to do mandatory reporting or agreed 8 with mandatory reporting? 9 MS WILLISON: It was the people who had responded to the 10 consultation. 11 CORE PARTICIPANT: Ah, so 16 per cent said they were in 12 favour of, is that correct? Yes. And in the survivors' 13 forum, 88 per cent were in favour of mandatory 14 reporting. So where is the disconnect? Why is there 15 such a big disconnect with survivors wanting it, yet 16 professionals not wanting it? I don't understand that 17 yet. 18 MS KARMY-JONES: All right. We may come back to that in the 19 next session, we'll see. 20 The gentleman on the end, and then I'd like to go to 21 the gentleman at the very back. 22 MEMBER OF THE PUBLIC: Keith Porteous Wood of the National 23 Secular Society again. 24 As far as the criminal offences, could I make a plea 25 for the confessional not to be excluded, which was the</p> <p style="text-align: center;">Page 167</p>	<p>1 conclusion that the Australian Royal Commission came to 2 based on some stunning evidence by an Irish academic? 3 Secondly, that the offence should extend to those 4 who are moving people around, knowing that they've 5 abused before, where they go and potentially abuse 6 again, and that's been something we've heard a lot of in 7 this room in the past. 8 And finally, on the extent of the offences that 9 should be considered at the same time is the destruction 10 of records, which we've also heard a great deal of, 11 which makes our job protecting victims very much more 12 difficult. 13 As far as fines and prison is concerned, to the 14 extent that we have people that actually at least 15 nominally don't have any funds at all, the sanction of 16 a fine doesn't work and I do think that prison should be 17 included at least as a possibility. 18 My last point is just -- I don't think it came out 19 very strongly about the high proportion of countries 20 that already have mandatory reporting. 21 We're in the minority already and that doesn't come 22 across, and it hasn't come across to me in our 23 deliberations over the last two days. 24 I just remind everybody about that. 25 Thank you.</p> <p style="text-align: center;">Page 168</p>

<p>1 MS KARMY-JONES: Thank you. If we can go to the final 2 comment to the gentleman right at the back. Then we'll 3 have our break. 4 MEMBER OF THE PUBLIC: Thank you. Dale Wilkins, head of 5 safeguarding at the Boarding Schools Association, also 6 formerly DSL and also having an involvement with the 7 Scouts and, indeed, with sport. My concern is that the 8 process for reporting needs to be as clear and as 9 straightforward as it possibly can be, because I think, 10 when you have a system of reporting that's being layered 11 on top of what already exists, I have real concerns 12 because thresholds, at the moment, across different -- 13 my local authority area bordered on several others, 14 thresholds across local authorities were very different, 15 processes across organisations are very different, and 16 I think, whatever is put in place, it has to be 17 absolutely clear as to whether that runs in line with 18 existing procedures or is something completely separate. 19 Maybe that's something people might want to consider in 20 the next phase. 21 MS KARMY-JONES: Thank you very much. All right, that takes 22 us smoothly to pretty much exactly the right time. If 23 we can come back in 15 minutes, please. Time for 24 a quick cup of tea. We'll see you in a little bit. 25 (3.15 pm)</p> <p style="text-align: center;">Page 169</p>	<p>1 (A short break) 2 (3.30 pm) 3 MS KARMY-JONES: Okay, so we are just going to pick up on 4 a couple of points that were raised in the public 5 gallery before we had the break and, Ben, if I can come 6 to you, and I'm conscious, of course, that you are 7 probably jet lagged and tired, but if I can ask you, can 8 you give us a comment on the suggestion that England and 9 Wales is in the minority in respect of the 10 implementation of mandatory reporting? If you can't, 11 you can't. But bearing in mind the research that you've 12 done in your own jurisdiction. 13 And also, do you have any observation on the 14 suggestion that mandatory reporting is in part there to 15 protect reporters? 16 PROF MATHEWS: To take the second question first, I think 17 what Geoff meant was, from a professional practitioner's 18 point of view, one of the key things it does is to 19 protect reporters and that is absolutely correct. So 20 all of the legislative reporting duties give clear 21 protections to reporters for reports made in good faith, 22 one of which is confidentiality as the reporter, the 23 second of which is immunity from civil and 24 administrative proceedings in relation to the report 25 made.</p> <p style="text-align: center;">Page 170</p>
<p>1 So that's absolutely correct. 2 I'm sure he would agree that the primary purpose of 3 these duties is child protection, above all of that 4 protection for reporters. 5 MS KARMY-JONES: Just for clarity, I wasn't suggesting that 6 he wasn't saying that, but it's really, as you've done, 7 looking at what that actually means in practice. 8 PROF MATHEWS: Sure, sure, and it does give those strong 9 protections to reporters, that's correct. 10 The first question whether you're in the minority, 11 I mean, there's over 200 countries in the world, I'm not 12 sure exactly how many of them have mandatory reporting, 13 I know scores do and some of the federated jurisdictions 14 do, so Australia is a federated jurisdiction of eight 15 states and territories, all of which have it. Canada 16 has 13 provinces and territories, all of which have it. 17 America has 50 states and territories, all of which have 18 it. 19 MS KARMY-JONES: In different forms? 20 PROF MATHEWS: In slightly different forms, but always for 21 sexual abuse, yes. 22 Whichever way you slice it, hundreds of 23 jurisdictions in the world have legislative mandatory 24 reporting for sexual abuse. 25 MS KARMY-JONES: Okay, thank you very much for that.</p> <p style="text-align: center;">Page 171</p>	<p>1 Katy, you mentioned that you wanted to make 2 a correction to something that you said earlier in 3 response to a question from the public gallery. 4 MS WILLISON: I did, I'm afraid I got my percentages wrong 5 so I wanted to clarify it for the lady in the gallery. 6 What I said was that 16 per cent of people who responded 7 to the government consultation on mandatory reporting 8 favoured the introduction. In fact, I was wrong about 9 that, it was 12 per cent, so it was a slightly reduced 10 figure. 11 While I'm at it, you also asked why the disparity 12 between that and the response from the victims' survey, 13 which was 86 per cent in favour. I think that probably 14 will be the different make-up of those who responded. 15 So the people who responded to the government 16 consultation were often organisations or professionals. 17 There were also members of the public, and I'm sure 18 there were victims and survivors in there, but I suspect 19 the make-up was probably considerably different. We do 20 have a breakdown of that and the responses. It's 21 available online and we can make it available to the 22 inquiry, if that would be useful. 23 MS KARMY-JONES: Yes, thank you. Thank you. 24 Session 5 25 MS KARMY-JONES: What I'd like to do now is to go around the</p> <p style="text-align: center;">Page 172</p>

<p>1 table for some final remarks and comments, looking at 2 changes, solutions. I'm going to propose a number of 3 different questions and invite you, as I go around, to 4 deal with them. 5 I think you're going to have about two minutes each, 6 I'm going to stop everyone, but we want to leave some 7 time at the end for a little bit more discussion and 8 comments from the public gallery. 9 So no one, it seems to me, is saying that the 10 system, if there is a system, that there is 11 an improvement that could happen. Even those against 12 the proposition I think would agree that there is 13 improvement that can be made. 14 So what needs to change? What is the solution? 15 What's your solution? Can you tell us in a few words 16 what does your ideal situation look like? Thinking 17 about your organisation or the area that you represent, 18 what needs to change within that organisation or area? 19 Do you have any new information that you haven't shared 20 with us that you would like the inquiry to take into 21 account? 22 Also I'd be very interested -- and I'm sure the 23 panel would be interested to hear -- whether anyone's 24 position has changed at all, even in a small way, as 25 a result of this seminar and what you've heard,</p> <p style="text-align: center;">Page 173</p>	<p>1 particularly the presentations given. 2 So I'm going to go round -- and it's only fair to 3 start at one end -- I don't know, Katy, would you be 4 willing to be the first? Does anyone need me to go 5 through them again? 6 MR PERRY: Would you please, sorry. 7 MS KARMY-JONES: All right. I'll try and remember exactly 8 how they've been phrased. 9 So no one is saying that the system can't be 10 improved, so what needs to be changed? What's the 11 solution -- and Tom, of course, when we get to you, we 12 know that you have proposed a particular format which 13 we've gone through so we don't need the detail of your 14 model -- but what is the solution? Can you tell us what 15 it looks like. What about your organisation or area 16 needs to change? Is there anything new that you've not 17 said in the context of this seminar that you would like 18 the inquiry to take account of? And has anyone's 19 position changed? Have you started to think about 20 things you hadn't thought about before or change your 21 mind? 22 Has everyone got those? All right, Katy. 23 MS WILLISON: I can't work out whether I've got the hardest 24 or the easiest job here going first. 25 I think from my perspective I very much came here to</p> <p style="text-align: center;">Page 174</p>
<p>1 set out what the Government's position was, but also to 2 listen to the debate and to hear what everybody had to 3 say, both for and against, and for me it's been 4 a really, really useful event to do that, to draw the 5 arguments together, to hear very directly from victims 6 and survivors and to hear the various different 7 organisational perspectives. 8 I can't say, particularly because I speak on behalf 9 of ministers and the Government, so I can't say that 10 I have arrived with one view and leave with a completely 11 different one, I think that would be entirely 12 inappropriate for me to say that. What I have done is 13 I leave with a lot to think about, and a lot to 14 consider, and some particular trains of thought that 15 I will go and do that. 16 What I do think, the system can certainly be 17 improved, I don't think anybody here would say that we 18 should be complacent about the position at the moment 19 and the level of protection that we're offering to 20 children. 21 The Government does have a programme outside of 22 mandatory reporting where it is seeking to do that, it 23 is trying to address many of the issues that will have 24 been raised with us through the consultation and at 25 other times around making sure that we have good</p> <p style="text-align: center;">Page 175</p>	<p>1 training in place, in making sure that we have agencies 2 working together effectively. We haven't talked about 3 that much today, and actually I think that is a big part 4 of the way that we safeguard and protect children is 5 getting our public sector agencies working as well as 6 possible and we are seeking to do that within 7 Government. We are seeking to try and create a real 8 learning environment where we have our professionals -- 9 and sorry, Tom, to use that some of that language -- but 10 really operating as effectively as possible and learning 11 the best possible practice that they can. 12 We've also introduced RSE into schools to try and 13 help children understand what their rights are and what 14 is good and bad in terms of behaviour and relationships. 15 So there are a range of different things there that 16 we are doing that we hope and genuinely believe will 17 improve the system. 18 The position in the response to the consultation was 19 that we should seek to allow many of those changes to 20 bed in before making further decisions. 21 The current position, having heard everything today, 22 I think is not radically different from that other than 23 we know that IICSA is considering these issues, and we 24 look forward to hearing the recommendations that you 25 make, having had the opportunity to hear everything</p> <p style="text-align: center;">Page 176</p>

<p>1 today and to take evidence across the wider strands of 2 the inquiry. 3 We also look to work with our Welsh colleagues to 4 understand the impact in Wales, and in Ireland, and one 5 of the things I will also be doing is following up some 6 questions with Ben Mathews around some of the ways in 7 which the mandatory reporting has been introduced in 8 Australia and some of the impacts that they have there. 9 I have read the research with interest, but I will be 10 following up with him on some of those points. 11 So that's what I take away from today, and 12 an appreciation of everybody who has contributed. Thank 13 you. 14 MS KARMY-JONES: Thank you. 15 Sharon, two minutes. 16 MS BURTON: So I think, as the regulator for doctors, we are 17 very conscious that although there have been significant 18 improvements across the system and in the way that 19 certainly health services are dealing with child 20 protection issues, that there is a great deal more still 21 to be done to support and protect child victims of abuse 22 of all forms, sexual abuse in particular. Coming here 23 today and yesterday was about trying to understand more 24 about the evidence around mandatory reporting. 25 We've not, as a regulator, taken a position for or</p> <p style="text-align: center;">Page 177</p>	<p>1 against mandatory reporting, but we have been reaching 2 out to those in the healthcare sector, not just doctors 3 but others in the healthcare sector, to understand what 4 they see as being the sort of current challenges in the 5 system. I think I have raised a number of those across 6 the course of the two days, and they go again to issues 7 around improving education and training both in terms of 8 the content, but also the ability of health 9 professionals to kind of access the right training at 10 the right time. 11 The real needs for increased resources around having 12 that expert report, so being able to access child 13 safeguarding experts when they are needed, so 24/7 14 access to those who are able to advise and help doctors 15 make really difficult, complex decisions in individual 16 cases. 17 But I think more importantly what I've been hearing 18 back from not just doctors but health professionals in 19 general has been about the need to make sure that the 20 services are there to be able to respond really rapidly 21 when an issue has been identified with a child, and to 22 be able to do that in a way that's meaningful for the 23 child in its particular circumstances. We've heard 24 about the different needs of different communities, and 25 that's something we started in 2012, trying to think</p> <p style="text-align: center;">Page 178</p>
<p>1 about how we could play our part in helping doctors, in 2 particular, to be able to sort of identify that it's not 3 a -- there's never going to be a sort of one size fits 4 all answer for the issues that come in front of them, 5 but to think about how we can collaborate with others 6 across the sector. 7 I think there are a lot of useful ideas and 8 suggestions that have come forward today. My final 9 point is really just to say that my understanding, 10 certainly where doctors are concerned, is that there's 11 a large body of opinion represented by the British 12 Medical Association that has spoken in favour of 13 mandatory reporting, it would be remiss of me not to 14 refer to that; but all those who have spoken about 15 mandatory reporting have done so in the context of 16 trying to drive improvements to the services and the 17 training that's available for professionals. 18 MS KARMY-JONES: Thank you very much. 19 Tom -- and I am going to start tapping my watch, 20 don't take it as rudeness, just to keep everyone to 21 time, so we have enough time to go to the public gallery 22 at the end. 23 MR PERRY: Don't worry, I'll be speedy, thank you. 24 In 2014, when the Government ceded the consultation 25 in the face of Baroness Walmsley's Amendment 43 during</p> <p style="text-align: center;">Page 179</p>	<p>1 the passage of the Serious Crimes Bill, Lord Bates 2 promised, promised, that there would be a round table, 3 and parties from -- and it was requested by 4 Baroness Walmsley -- and the parties from either side 5 would engage. It's only taken four-and-a-half years, 6 but then the consultation only took about four years, it 7 was a rush job. 8 What's the solution? Well, it's the one we have on 9 the table and the one we submitted to the consultation. 10 What does it look like? You have it, it's on our 11 news page of our website. 12 Anything new? None. 13 Has our position changed? Well, this is going to 14 shock you: no. 15 So, on that happy note, and bearing in mind that 16 I've been so rapid, I'm just going to read you 17 something, because Ben was asked a question about 18 countries in the world that had MR, some form of MR. 19 Let me just clarify it a little further: it's 20 72 per cent of Asia, 77 per cent of Africa, 86 per cent 21 of Europe and 90 per cent of the Americas; it's 22 81.8 per cent of developed nations and 78.6 per cent of 23 developing nations; combined, 80.3 per cent of nations 24 worldwide. We're slightly behind. 25 MS KARMY-JONES: You take those statistics from?</p> <p style="text-align: center;">Page 180</p>

<p>1 MR PERRY: Daro; okay? It was at the World -- oh, good 2 Lord, I've got to have an eye test -- here we go: World 3 Perspectives on Child Abuse, 7th Edition, International 4 Society for the Prevention of Child Abuse and Neglect, 5 Chicago, 2006, page 26. I'd like to thank Ben Mathews 6 for that because I've had that for a very long time and 7 it's been very useful. 8 MS KARMY-JONES: Thank you. 9 Anna. 10 MS COLE: Thank you. 11 I think the ASCL position and the position of our 12 members is around being convinced that it's going to 13 make children safer and about culture change. It's been 14 really interesting, and I thought Ben's evidence was 15 compelling as well yesterday, but obviously I'm here and 16 my members aren't. 17 I think the big issue really for us is around 18 perverse incentives and unintended consequences, and 19 I think I have to come back to capacity here, so 20 capacity of what happens to reports and the point I made 21 earlier about what our members are saying to us is they 22 are making reports to social care and that there is not 23 the capacity locally to deal with them and they are 24 being left to deal with them, and that schools 25 themselves are being asked to do a lot more in society.</p> <p style="text-align: center;">Page 181</p>	<p>1 And I think that's right, and I think our members think 2 that's right, but they are being asked to do a lot more 3 than teach with less resource. I just don't think we 4 can come back -- I agree with Yehudis's point about not 5 doing this because of the money -- but if the money and 6 the resource isn't in place our concern is that actually 7 children will be less safe. So I have to sort of say 8 that that is kind of massive in our members' minds, 9 being pragmatic about the children that they, as the 10 primary service, have in front of them every single day. 11 I think I've made the other points really, I think 12 if it is introduced then it has to be designed really 13 well. Our response was that it should be organisational 14 level and, if not, it should be the lead. I think that 15 there is probably slightly different considerations 16 around residential schools and residential services, 17 which are not quite the same as the day schools. And 18 real clarity aren't around it, so capacity and clarity 19 and good design. 20 Thank you. 21 MS KARMY-JONES: Thank you. 22 Albert, just two minutes, please. 23 MR HEANEY: Yes, of course. 24 So thank you for the debate, I think it's been 25 really helpful to have both around the horseshoe but</p> <p style="text-align: center;">Page 182</p>
<p>1 importantly the views from the public gallery. 2 In terms of children's safety, that remains 3 paramount, so everything we must do and decisions that 4 come from here have to be based upon what makes the 5 world safer for children to be able to speak out and be 6 supported. 7 In terms of the Welsh position, well, being the only 8 one that is representing Wales today, you know, I've 9 given my views of where we are. I think it's been 10 progressive, I think the principle of a duty to report 11 is the right thing to be doing. When I came down on the 12 train I was still -- I'd been in the position for some 13 time: are we in the right place? Have we -- you know, 14 are the ones within scope the right ones in scope? Do 15 we need to extend it? I think around the debate today 16 there's been a good challenge around perhaps that does 17 need to be extended, so I think that's something I'll be 18 keen to take back that's different from when I come down 19 for a meeting with the Minister on Thursday so will be 20 keen to have that discussion and dialogue. 21 I think there's some things that I still feel very 22 passionately about, and I'm not sure we have covered 23 them in enough detail, because I don't think this 24 cultural change in the way we practice is just about the 25 reporting, it's about prevention and early intervention.</p> <p style="text-align: center;">Page 183</p>	<p>1 So I think for me there's a conversation that perhaps 2 goes hand in hand. 3 So if you were saying for what areas I would 4 probably suggest might be helpful to explore a little 5 bit more, because I do think that that's part -- you 6 know, we want to detect and respond, of course we do, 7 but we also want to make sure we have the conditions 8 that we can avoid things becoming an abusive situation 9 in its own right. 10 Then probably the last thing is I'm very mindful, 11 again, of technology and developments around technology, 12 and I'm not sure even from a professional end yet that 13 we are quite as confident around, you know, the use of 14 social media in terms of on line grooming, et cetera, 15 and we probably need to do a little bit more work to be 16 as well placed as we can do. 17 Thank you. 18 MS KARMY-JONES: Thank you. 19 Noelle. 20 DR BLACKMAN: Thank you. 21 So I said earlier that I thought that leads of 22 organisations should be held criminally responsible. 23 That would include leads like myself of small 24 organisations in my mind, as well as big, huge statutory 25 organisations. But that would only work or be fair if</p> <p style="text-align: center;">Page 184</p>

<p>1 there was also mandatory and clear framework of 2 safeguarding training and practice throughout all 3 organisations, big and small. That would sharpen leads 4 to implement this and give really clear leavers where 5 purposeful avoidance takes place.</p> <p>6 It's still unclear to me, and I think to most people 7 here, what will happen beyond reporting. That really 8 needs to be addressed. Perhaps we need a further day 9 that looks at that really clearly. It's clear we need 10 more capacity, and that probably means more funding, and 11 we know that there is money spent on other things, so 12 I think that needs to be really -- the Government really 13 needs to get behind thinking about that.</p> <p>14 We know that once a report is made there needs to be 15 a fast response with the child's well-being right at the 16 centre of that. I think there does need to be 17 independence and very specific skills needed in that 18 initial assessment so that we don't go straight for 19 maybe criminal, you know, whatever, we need to know what 20 that child needs at that point in their lives.</p> <p>21 I think agencies working together, creating the 22 safer communities that Ben referred to in one of his 23 presentations, is also really crucial.</p> <p>24 And I suppose where I've maybe changed incrementally 25 over these two days is that I feel more strongly than</p> <p style="text-align: center;">Page 185</p>	<p>1 ever that we should have mandatory reporting, but we 2 need to have effective mandatory reporting and I don't 3 think we're at all clear what this would look like at 4 the moment.</p> <p>5 MS KARMY-JONES: Thank you. 6 Michelle.</p> <p>7 MS DENNY-BROWNE: I echo what has been said, and in terms of 8 what it would look like for me, as much as probably 9 people don't agree, but I would like something that was 10 independent. I feel that we've had opportunities to 11 work really well, and I think there are some agencies 12 that do work really well together, and there is a lot of 13 agency sharing, which is good; but I just think having 14 something independent would really help and we do need 15 to sort of streamline services.</p> <p>16 I think I would've liked to have heard a bit more 17 and some of Ben's research to include some of 18 disabilities and the BME communities as well to see what 19 around it would look like with that inclusion, and also 20 to look at the figures of that and what the outcomes of 21 that research would have been, that would have been 22 really beneficial for me to know that.</p> <p>23 But, yes, I think that we are a long way off, and 24 I think that having another day to look at how services 25 could perhaps be streamlined and how we could work</p> <p style="text-align: center;">Page 186</p>
<p>1 together would be good. But, yes, I've learnt a lot 2 today, but I really would like to know a little bit more 3 and maybe look at another system that might work for us, 4 but at the moment what's on the table is not good 5 enough.</p> <p>6 MS KARMY-JONES: Thank you. 7 Rachel.</p> <p>8 MS DICKINSON: Thank you. As ever I've learnt a lot today. 9 For me the starting point is that children find 10 around it very, very difficult to disclose child sexual 11 abuse, and very often they don't understand that they 12 are actually being harmed. So there's a big issue for 13 me at what point does mandatory reporting come into 14 play.</p> <p>15 In terms of the improvements that we need to make, 16 we know -- it's been talked about today -- that we need 17 to support the training available to the wide range of 18 professionals and volunteers who are regularly coming 19 into contact with children, ensuring that they've got 20 access not only to training but to repeat training, 21 information, advice, so that they know how to spot the 22 signs of harm early and, equally, that they know what to 23 do about around it.</p> <p>24 Then that brings me to the issue of time, that very 25 often I think professionals and volunteers only have</p> <p style="text-align: center;">Page 187</p>	<p>1 time to deal with the presenting problem, we don't have 2 time to get underneath the problem. So, so many 3 children are being excluded from our schools on 4 a fixed-term basis, we don't actually understand from 5 many of them what's the cause of that behaviour, and 6 beleaguered professionals don't have the time to build 7 a relationship to understand what is the lived 8 experience of that child and what do we collectively 9 need to do to help that child. So for me mandatory 10 reporting comes a long time down the system, what we 11 need is early conversations facilitated by information 12 systems that talk to one another well so we can spot the 13 signs very, very early and react.</p> <p>14 We do need to do more work with the wider community, 15 I've been very struck today by the information about 16 children living in communities that are more hidden, 17 more closed, and how challenging it is to reach those 18 children in a way that's effective. But I think that 19 safeguarding is everybody's business, it's not just 20 professionals' business, and often the people who know 21 earliest are the people in the community or the wider 22 family.</p> <p>23 I think we shouldn't lose the point about supporting 24 our children and young people to understand what healthy 25 relationships look like, and I think the points made</p> <p style="text-align: center;">Page 188</p>

<p>1 about relationships and sex education in schools are 2 really, really important points. It's only part of the 3 solution but it's very, very important. 4 I think that we must look to the broader cultural, 5 moral and social issues that are at the heart of 6 grooming and sexual exploitation too. We must be very 7 aware of the threat of social media to children and 8 young people's safety. 9 I'm also very aware that, as I'm sitting here 10 discussing this, my colleagues up and down the country 11 are looking at how they can reduce their spending on 12 early health and prevention services, at a time when 13 social workers have got very, very high case loads and 14 not enough time to respond well to the needs of 15 children. So there are very significant pressures in 16 the system that are getting in the way of us responding 17 in the right way to the right child at the right time 18 collectively. 19 So that's the contribution I would like to make. 20 MS KARMY-JONES: Thank you. 21 Ben. 22 PROF MATHEWS: I think I could only reiterate the 23 conclusions I made in yesterday's presentation. I think 24 in a developed economy such as this I think the evidence 25 is in that legislative mandatory reporting, plus sound</p> <p style="text-align: center;">Page 189</p>	<p>1 reporter education, plus anywhere near adequate 2 investment in systemic responses is optimal public 3 policy for increased identification of cases of sexual 4 abuse that would otherwise remain hidden. You have 5 a rate of one in eight children in England being 6 subjected to contact child sexual abuse, and twice that 7 amount being subjected to any forms of sexual abuse. 8 So I think this is not so much a strategy that you 9 need to question whether you can afford to have, it's 10 one that you cannot not afford to have. 11 MS KARMY-JONES: Moya. 12 MRS SUTTON: Thank you. Just to say thank you for a very 13 interesting day and specifically to Helen for organising 14 this all so well. 15 What needs to change? Well, my starting point is 16 that in 2017 the government made the Children and Social 17 Work Act of 2017 a more focused and strengthened 18 legislative -- a document with regard to safeguarding. 19 Within those reforms there has been revised statutory 20 guidance in terms of working together which was 21 published last year, and by this September, and 22 certainly by next April, the leadership for safeguarding 23 children is a tripartite arrangement where police, 24 health and the local authorities have distinct 25 leadership roles for safeguarding, which includes</p> <p style="text-align: center;">Page 190</p>
<p>1 funding, which includes training, which includes 2 leadership challenge, and this includes child sexual 3 abuse. So I think I will be looking to those reforms to 4 really see if CSA gets the focus that it should be 5 getting through those strengthened reforms. 6 Alongside that we're really delighted that the child 7 protection information-sharing system has been widely 8 accepted up to near enough every local authority in 9 every NHS organisation, and the child protection 10 information-sharing system, talking about technology, is 11 a system whereby, if we'd have had it in place many, 12 many years ago, we could have prevented a number of 13 significant child deaths. What around it does, in 14 brief, is it allows the Local Authority and the NHS to 15 share information about children that arrive in NHS 16 settings. We know that children that are being abused, 17 exploited and significantly harmed are taken by the 18 perpetrators to a number of different NHS settings, and 19 children then fall through the stool, so to speak, 20 because nobody is joining up the jigsaw. 21 I would like to hope that this system and its 22 significant investment will allow local authorities and 23 the new partnerships, and certainly the NHS settings, to 24 identify victims of CSA an awful lot quicker. Their 25 focus is looked after children -- we know that's</p> <p style="text-align: center;">Page 191</p>	<p>1 an issue for children in the care system -- for children 2 who are subject to a child protection plan, and we know 3 of all the CSE cases where children on plans and looked 4 after were victims, and also unborn children, and it is 5 possible that a number of unborn children have been -- 6 women, girls, have become pregnant through child sexual 7 abuse. So this is a real momentum for us to think about 8 putting CSA into two new you legislative and IT systems 9 to give it a higher profile in the hope that we do our 10 utmost to prevent further suffering to children. 11 Have I changed my mind? I think there's an awful 12 lot of things that are going on that we need to reflect 13 on to say could we do those things better? Are the new 14 changes and new systems in place going to make 15 a difference? I think clarity about what it would look 16 like, who would be the mandatory reporters, where the 17 investment would come from and how we would audit impact 18 and outcomes that I talked about yesterday would be what 19 I would be looking for in the future. 20 MS KARMY-JONES: Thank you. 21 Mike. Just briefly, remember. 22 DS BRITTON: Thank you. 23 I'll agree with Moya around the reforms within the 24 Working Together guidance, it has been a significant 25 change for us. I would also say that there are really</p> <p style="text-align: center;">Page 192</p>

<p>1 close working relationships between statutory agencies 2 at the local level; I completely agree that children 3 should be at the centre of those services. 4 You asked what needs to be changed if mandatory 5 reporting is brought in. I think everyone around the 6 table has talked about training, that training is 7 essential, needs to be standardised and multi-agency and 8 delivered to all those, along with substantial funding 9 and resourcing. 10 You asked about the solution and what it looks like 11 and what would need to change in our organisation. I'm 12 going to agree with Katy on this really, it's really for 13 the parliamentarians, ministers and Government to look 14 at what legislation is needed; the police's role is to 15 enforce that actually kind of influence how that works 16 in practice. So I'm going to kind of dodge that one 17 a little bit. 18 Anything new which hasn't been discussed. I do 19 still raise the point of unintended consequences. 20 I spoke to Professor Mathews earlier in the day asking 21 about whether any research has been done about criminal 22 justice outcomes following mandated reporting, so is 23 there any research been done on the outcomes for victims 24 and survivors in relation to criminal courts. There 25 isn't any. So for me that is still a big question mark</p> <p style="text-align: center;">Page 193</p>	<p>1 around are there any unintended consequences around the 2 criminal justice from mandatory reporting. 3 Then, lastly, has the NPCC's position changed at 4 this time? I would say not, but that is something 5 I would have to go back on from this two days and 6 reflect with Mr Bailey and then obviously update further 7 down the line. 8 MS KARMY-JONES: Thank you. 9 Paul. 10 MR STEWART: Thank you, and thank you for inviting me. 11 I'm probably going to speak about the sport that 12 I was involved in. 13 I think at elite level they have certainly stepped 14 up to the plate in terms of safeguarding children. At 15 grass roots is more of a concern, we have a million 16 children playing football alone, we're in the volunteer 17 sector. I can't help but bring back to yesterday's 18 point in education and awareness, because I believe 19 mandatory reporting should be in, but then I think it 20 should be in just by proxy, we should report because 21 we're talking about a child's safety. 22 I'd like to see a little bit more around Australia 23 instead of Wales because I find Wales is more of a duty 24 of care act than a mandatory reporting act. 25 I think we've found -- and you will always, I think,</p> <p style="text-align: center;">Page 194</p>
<p>1 see this -- is if we want to find grey areas we will 2 find them, and what I've noticed today is that for those 3 that are not in favour will find the grey areas. That 4 is a little concerning. But I also, before we introduce 5 it, I am very mindful that we have to have the right 6 procedures in place so that when reports are being put 7 forward that they are dealt with correctly. At the 8 moment I do not see that the procedures are in place for 9 the right information to go from statutory agency to the 10 police. I think we've got to be very mindful that, you 11 know, these are children that we're talking about -- and 12 Yehudis refers back to it all the time -- these are 13 children's lives we're talking about and we have got to 14 make sure that the end-user is protected, and it's all 15 our duty, it's all our responsibility. So, whatever 16 conclusion you come to, please take on board that it's 17 the child that we're protecting in all of this. 18 Again, thank you for inviting me. 19 MS KARMY-JONES: Thank you. 20 Simon, just a quick comment, please. 21 MR NATHAN: So what needs to change? I mean, at present, 22 schools are bound by the Keeping Children Safe in 23 Education guidance. Schools', you know, best practice 24 will have child protection policies in place. 25 Whether we introduce mandatory reporting or not,</p> <p style="text-align: center;">Page 195</p>	<p>1 I think there is definitely a need to continue with 2 thinking about culture, thinking about continuing to 3 raise awareness, continuing to think about training and 4 education of individuals. 5 We would support mandatory reporting if it improved 6 outcomes for children. So, coming back to what Paul 7 said, the focus is very much on improving outcomes for 8 the individual child. 9 As I've said before, we would probably favour 10 an organisational level of reporting. 11 Also, emphasising -- it's been said a few times 12 around the table -- that reporting is everybody's 13 business, so if it was in a school setting, you know, it 14 should be for everyone to raise a concern if they've 15 seen something, but it's just a question of who the 16 mandated reporters are. 17 I came to this very much from an evidence-based 18 perspective to come and understand sort of what the case 19 on either side of the debate was and, you know, 20 certainly a lot of things to go away and think about, 21 a lot of things that Professor Mathews was talking 22 about; but as a trade body that's for me to take back 23 into the organisation, but I think certainly something 24 we would want to debate more. 25 MS KARMY-JONES: Thank you.</p> <p style="text-align: center;">Page 196</p>

<p>1 Yehudis. 2 MS GOLDSOBEL: What needs to change? Currently synagogues 3 and not all faith settings come under regulated 4 activities, and that really needs to happen, so if 5 anything, policy changes, that needs to be included. 6 What I've learnt from these couple of days is 7 there's a bit of a disparity between the voices of those 8 working on the ground and those sitting higher up and 9 doing important work, but there is no sort of 10 communication either which way. We all agree that any 11 implementation of this mandatory reporting will need 12 more money to train, educate, implement and whatever 13 else. I am a fan of independence, and this has sort of 14 reiterated that feeling for me, that actually this 15 really shouldn't just be money put more into statutory 16 services, this needs to be a new system put in place 17 with a new streamlined procedure. Hopefully that could 18 then one day maybe streamline everything a bit more 19 because in some areas it's a bit too disjointed. 20 I think we need to see mandatory reporting as 21 an early intervention as opposed to a criminal process. 22 It's about responding straight away, not worrying about 23 what's going to happen down the road; it's making sure 24 that child gets whatever they need at that moment; and 25 I know we're worried about what repercussions that might</p> <p style="text-align: center;">Page 197</p>	<p>1 have on the person who is not reported or is reporting 2 and so on and so forth, but if we look at it as an early 3 intervention as opposed to a criminal, new law, we're 4 literally just putting a law in place to have an early 5 intervention for children who are being sexually abused. 6 Based on that, if we all heard it as that, we'd probably 7 all walk out saying "yes", so I think we really need to 8 just take it for that. 9 We need to see it as child-focused, and we also need 10 to stop placing the responsibility on children to 11 disclose in the language that we want them to disclose 12 in. So whether that comes down to more money to educate 13 people, to see what children are telling us. But, you 14 know, there are people that work with children daily and 15 there are people that work with offenders. We can get 16 this research, and we really need to, and implement it 17 into whatever we are going to educate before we put in 18 mandatory reporting so that we don't just have a, you 19 know, "Did the child say X, Y and Z? Hey, it's tick 20 box", and then we can move on, it's just responding 21 properly to children, and I think that's what we need to 22 see mandatory reporting as. 23 MS KARMY-JONES: Thanks very much. 24 Almudena. 25 MS LARA: Yes, hi, thank you.</p> <p style="text-align: center;">Page 198</p>
<p>1 I think it is very clear that there are too many 2 children suffering abuse that are not known to the 3 authorities and not receiving the services that they 4 need. So we really need to explore these and other 5 wider measures to reach out to them and support them. 6 Amongst those measures I think we welcome the focus on 7 strengthening the requirements on professionals, and 8 giving professionals a better understanding of what are 9 the roles and responsibilities and the consequences of 10 failing to meet those responsibilities. I think we 11 would look as well to government to report on the 12 criminal sanctions for those that knowingly cover up 13 abuse. I think that that is an absolutely key part of 14 the equation. 15 The area that I think, in doing so, in strengthening 16 the system, I think what we really need to look into is 17 not putting at risk the strong relationships that 18 professionals need to build with families and with 19 children. For that -- and I'm repeating what I said 20 yesterday and throughout the day today -- I think 21 training and better understanding of trauma and the 22 impact of trauma on children needs to be paramount, and 23 the service response needs to be appropriate. Just to 24 give a bit of an idea of what children find useful when 25 they engage with services, we hear from the work that we</p> <p style="text-align: center;">Page 199</p>	<p>1 do three things that help children in the process - one 2 is to feel that they are listened and believed and taken 3 seriously; that action is taken to protect them; and 4 that they receive emotional support. But all those 5 things take time and skill and resource, so we need to 6 make sure that any system that strengthens the needs of 7 reporting have that wider support in place. 8 A couple more things. The wider culture, absolutely 9 essential, we know from the research that 10 Professor Mathews shared yesterday that many reports 11 still come from non-mandated professions. So we need to 12 make sure that everybody understands the role that they 13 have to play in protecting children. 14 My final point is I still come out of this seminar 15 not clear as to whether we really can cut off sexual 16 abuse from the wider abuse that children suffer, and 17 I would want a further conversation and further research 18 on that. 19 MS KARMY-JONES: Thank you very much. 20 Tina, last but not least. 21 MS WILSON: Thank you. 22 I'd reiterate what people have said around the room. 23 I think it's been a really interesting debate. I think 24 it's clear from everyone in the room nothing's more 25 important than the safety of children.</p> <p style="text-align: center;">Page 200</p>

<p>1 I think it's been interesting, looking at the 2 clarification around wilful concealment and other 3 issues, and the definitions of is it mandatory reporting 4 on allegations or is it around suspicions and concerns. 5 I'm not quite sure we know still what that looks like 6 for us in order to fully go behind anything. 7 You said about what needs to change. I think I'm 8 probably repeating what I've said. For me we know that 9 a culture of openness, transparency, thinking the 10 unthinkable, protects children; we know that cultures 11 that are poor cultures that don't have a golden thread 12 of safeguarding through, that don't have a independent 13 challenge, that don't open their doors, they are 14 cultural issues that don't protect children. So when we 15 talk about what does, good culture does, and I think 16 that's what need to change, and in order to do that 17 I think Government regulators and trade bodies need to 18 act to support all organisations, from youth 19 organisations to sports organisations, to get that 20 robust approach in place, that actually prevention is 21 what actually protects. 22 MS KARMY-JONES: Thank you very much. Thank you. 23 All right, we're now going to go back to the public 24 gallery. I'm just looking to see, I see two or three 25 hands and another. I hope that the gentleman in the</p> <p style="text-align: center;">Page 201</p>	<p>1 middle will bear with me if I go to some of the others 2 first; I'll come back to you because you've had 3 a chance. 4 So can we go first go to the lady in the corner 5 here? 6 Observations from THE PUBLIC GALLERY 7 CORE PARTICIPANT: Thank you. 8 I think if I hear safeguarding is everybody's 9 responsibility one more time I'm going to explode. 10 My feeling in general, having heard the concluding 11 comments of everyone, is that for the most part people 12 are going to say what they are going to say regardless 13 of the evidence. It feels like a lot of that was 14 pre-determined and a lot of it was sort of 15 organisational posturing. 16 I think there was some time wasted on some pretty 17 obscure arguments about things like whether or not 18 mandatory reporting prevents or dissuades people from 19 entering certain fields. Just like the former Spurs 20 player said, "If there's a grey area, people who are 21 against will find them". So I found that argument 22 pretty obscure, it's about as obscure as the notion of 23 a child industriously researching the legal framework 24 prior to making a disclosure and going, "Oops, they've 25 got mandatory reporting, I'd better keep quiet then."</p> <p style="text-align: center;">Page 202</p>
<p>1 That's simply is not my experience of disclosure, it 2 doesn't in any way resemble my experience of disclosure 3 or that of any of the survivors that I speak to, and 4 I speak to quite a few. I mean, it could happen, there 5 could also be a floating teapot in space. 6 What we need to be doing is paying attention to the 7 research, and I'm not sure how Professor Mathews is able 8 to sit there so Zen. I think if I were in his position 9 it would just be kind of feeling frustrated that you've 10 clearly broken down the research, and it's quite 11 rigorous, and I don't know how many people in here read 12 it before coming here, but I did and it's very good and 13 we should listen to it. 14 Finally, a point on training, just something to keep 15 in mind for those people in the room who commissioned 16 training. That, since there is no accreditation scheme, 17 anyone can put on a big, pink hat and deliver 18 safeguarding training. By the way, that's what I do, 19 but without the hat. But I do run training for 20 frontline practitioners which is how I know that many of 21 them are very confused about what their reporting 22 obligations even. I've even had professionals insist 23 that we already have mandatory reporting. So it's all 24 kind of a big mess. 25 In any case the evidence clearly shows that</p> <p style="text-align: center;">Page 203</p>	<p>1 mandatory reporting is beneficial, that's the "too long, 2 didn't read" version. Also, it has the support, in 3 general, of the majority of survivors, presumably 4 because that 88 per cent, like me, have direct 5 experience of situations where professionals knew or had 6 reason to know and they didn't do anything. 7 MS KARMY-JONES: Thank you. 8 Can we go next to the lady sitting next to you? 9 CORE PARTICIPANT: Hi, thank you everyone for the last two 10 days. 11 So 40 years ago my disclosure to the school and 12 social services was ignored by these institutions. The 13 impact of this has been huge on all of the children in 14 my family -- there are six of us -- we've got 22 15 children between us, they will all be impacted because 16 of our impact. 17 Currently a child I know has reported and has been 18 massively let down by a school setting. Yes, there are 19 policies in place and those who work in the school 20 setting are not protecting the child by not following 21 their own policies. 22 I see MR likelihood is as an early intervention for 23 children. It should activate safety for the child, it 24 should activate the right specialist support access for 25 the child and the family.</p> <p style="text-align: center;">Page 204</p>

1 Compelling, again -- I'm agreeing with this lady
2 next to me -- is the 88 per cent of survivors who
3 responded to the IICSA survey. They were in favour. So
4 all of those adult survivors were children, victims, of
5 child sexual abuse. We are telling you that mandatory
6 reporting, if it was available 40 years ago, I would
7 have been saved from years of abuse.
8 MS KARMY-JONES: Thank you very much.
9 The gentleman in the middle.
10 CORE PARTICIPANT: Thank you.
11 Those who do not learn the lessons of history are
12 condemned to repeat them. The Cleveland Inquiry took
13 the medical diagnosis away from doctors, and the
14 Children's Commissioner found that only one in eight
15 children who are sexually abused receive a statutory
16 response.
17 FGM has got mandatory reporting, that needs to be
18 extended to the seven out of eight children who cannot
19 say anything. They need a doctor to speak on their
20 behalf.
21 Thank you.
22 MS KARMY-JONES: Thank you.
23 The gentleman in the middle.
24 CORE PARTICIPANT: Fundamentally the law as it stands now
25 means that a headmaster can witness the rape of one of

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1 gave us more of your time in the last day and a half.
2 You may want to know what's going to happen next.
3 Well, as you know, the inquiry still maintains its
4 position of neutrality. If any recommendations are made
5 -- they are not going to be made now -- they may be made
6 at the end of the inquiry's process.
7 The seminars are part of a long process, they fall
8 into a larger body of work, and it's important to
9 remember that because there's still some way to go in
10 our consideration and of course I'm sure that everything
11 that's been said about the further inquiries and thought
12 that needs to go into this is going to be taken on
13 board. But a lot of information has been gathered in
14 the last day and a half that will help us really reflect
15 on all the arguments. We're very grateful to you for
16 your contributions and for coming all this way, and to
17 Professor Mathews for coming all this way and giving us
18 such a wonderful set of presentations, thank you.
19 I'm going to hand back to the chair and ask if you
20 wish to make any closing observations.
21 Closing remarks by THE CHAIR
22 THE CHAIR: I really have nothing further to add to what
23 you've said, Riel, but just to add my thanks of course
24 to everyone present for their contributions to what's
25 been a very informative two days.

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1 his pupils by one of his staff on school premises and
2 has no legal obligation to say anything to anybody.
3 I think that that has to change.
4 I think that the fundamental objective is that fewer
5 children get abused.
6 I think that the culture of vigilance, which I think
7 will be fostered by mandatory reporting, effectively
8 implemented and properly resourced, will deter abusers
9 from trying to abuse in the first place.
10 I think that that deterrent effect is something that
11 we have not yet discussed in any detail. So I mean
12 I think we want to catch more abusers but we actually
13 want to get more people not to start abusing in the
14 first place. I think that mandatory reporting, because
15 abusers are just criminals just like everyone else, they
16 won't perpetrate crimes if they believe there's
17 an unreasonably high risk that they will get caught.
18 I think that that is ultimately the objective that
19 we should all be looking for.
20 MS KARMY-JONES: Thank you. All right.
21 Okay, then no further comments, so I am now going to
22 just close up the seminar. In doing that can I just say
23 thank you to everyone here who has worked so incredibly
24 hard over the last day and a half, and some of you who
25 were here on the last occasion as well and brought or

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1 We will consider everything we've heard. A full
2 transcript of today's seminar will be available on the
3 inquiry website this evening, and a video of the
4 broadcast will be available in a few days' time and, of
5 course, a report summarising discussions over the day
6 and a half will be posted on the website in the coming
7 months.
8 Finally, just to thank Riel Karmy-Jones for her
9 excellent facilitation on both days, and also the rest
10 of the team, Lara McCaffrey, Bethany Atkinson, Jack Gray
11 and Helen Mitchell, for their work in the planning and
12 the preparation of this seminar, thank you very much.
13 And, of course, finally, to all of those in the public
14 gallery for taking such an active part in the process,
15 and certainly to those of you who continue to attend the
16 inquiry's seminars, all your comments and observations
17 are particularly valuable.
18 Thank you very much.
19 (4.25 pm)
20 (The hearing concluded)
21
22
23 I N D E X
24
25 Welcome and opening remarks by THE1
CHAIR

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