

been opened by the Commission relating to safeguarding and people protection matters compared to 724 February 2017 – January 2018. This represents a 104% increase.

- iv. Notwithstanding this increase, the Commission recognises that there is still much work to do to increase awareness of safeguarding in general across the charity sector. The Commission will shortly start work engaging with charities who fall within the top 200 income bracket who have not reported an RSI to establish the reasons why and to satisfy ourselves that these charities have adequate mechanisms in place for identifying and reporting incidents to the relevant statutory authorities.

32. The Commission considers the second key area for under/ non-reporting involves charities, including some faith charities where there is a deliberate and / or embedded culture of non- engagement and non-reporting or where the charity is unable to organise themselves to implement an effective safeguarding strategy or reporting culture.

Motives or reasons can be varied but can include the desire to maintain the organisations reputation or the reputation of persons within the charity.

It is the Commission’s view that training and voluntary encouragement in these circumstances are unlikely to address safeguarding engagement and reporting. Enforcement action and/or regulatory intervention is often required in such circumstances to effect meaningful improvement.

33. The Commission recognises that there are merits (serious safeguarding concerns would not be missed) and disadvantages to mandatory reporting:-

- a) Mandatory reporting could lead to additional administration for all agencies involved. If mandatory reporting to the police and statutory agencies was introduced the Commission would expect to see a corresponding and significant uplift in the reporting of serious incidents.
- b) Smaller agencies, such as the Commission, could be easily overwhelmed without additional resource to risk assess and handle the increased volume of reports. This concern is substantiated through the Commission’s direct experience of handling increased safeguarding serious incident reports since February 2018. The Commission’s resource limitation was highlighted by the International Development Committee’s inquiry report into ‘Sexual exploitation and abuse in the aid sector’⁴.

⁴ See Chapter 9 of the inquiry’s report – Sector regulation and oversight paragraphs 178 to 183.
<https://publications.parliament.uk/pa/cm201719/cmselect/cmintdev/840/84002.htm>

- c) The Commission is concerned that the focus would be on reporting rather than dealing with the issue or concern and managing the risk. This may lead to poor quality reports which would not necessarily lead to a significant improvement in the protection of children from harm.
- d) The Commission is concerned that mandatory reporting will lead to an increase in referrals and reports which could divert attention from the most serious cases, without additional resources. This will not necessarily ensure that the right action is being taken, that the victim is protected or perpetrator managed but it would lead to
- e) The Commission considers that mandatory reporting would not of itself improve trustees', professionals' or practitioners' judgement and increased referrals could lead to volunteers, professionals, and practitioners being overwhelmed across statutory agencies, the Commission and the charity sector.
- f) In practice, there is a risk that mandatory reporting could lead to a tick box approach with the sole objective to obtain legal immunity rather than assisting staff in identifying the key cases. Staff would divert their attention to referral and reporting rather than effective working and managing the risks.
- g) Mandatory reporting could undermine confidentiality which in the long term could prevent disclosures or make persons more reluctant to disclose.
- h) Mandatory reporting may not improve outcomes for children – many serious case reviews identify failures around information sharing, joint working, assessments and decision making, rather than the failure to report.
- i) Mandatory reporting itself would not identify unreported cases to the police, statutory agencies or the Commission. In these cases such agencies may only uncover non-reporting through information exchange or third party engagement.
- j) A new working framework, resources and /or legislation would be required in order to police and enforce non-compliance.
- k) Mandatory reporting would adversely impact on those already engaging with the reporting regime (or with training would be willing to engage and be compliant) but it would not necessarily address those organisations who consciously and deliberately fail to report to the police, statutory agencies or the Commission.

On balance therefore the Commission is not supportive of the mandatory reporting of serious incidents without additional resources. However, to address deliberate non-compliance the Commission would be supportive of a new "Concealment Offence" as referenced in the HM Government Document (*Reporting and action on Child Abuse & Neglect dated 5/3/18*) (**Exhibit CYC000377**)