

Children’s Commissioner Witness Statement for the Independent Inquiry into Child Sexual Abuse: Child Protection in Religious Organisations and Settings Investigation

The Commissioner’s office has not conducted a formal or comprehensive assessment of the current arrangements in respect to the regulation of child protection specifically within religious organisations and settings. We have therefore not responded to all questions in detail. Overall, the Commissioner believes it is vital that the specific policies and procedures for faith setting where children spend time without parents or carers, as set out in statutory guidance (DfE: Working Together to Safeguard Children, 2018) are adhered to.

(i) About the Office of the Children’s Commissioner

The role of the Children’s Commissioner was established under the Children Act 2004; the Commissioner’s statutory powers and independence were further reinforced under amendments made in the Children Act 2014. The Children’s Commissioner has a statutory duty to promote and protect the rights of all children in England with special responsibility for the rights of children who are in or leaving care, living away from home or receiving social care services.

Independent of Government, the Commissioner has unique powers of inspection and discovery to help bring about long-term change and improvements for vulnerable children. She is the ‘eyes and ears’ of children in the system and the country as a whole and champions children’s rights across a range of policy areas.

Our statutory powers to request data on the provision of support for young people are a vital tool in helping us to hold public bodies to account. We also have the power of entry to places where children are accommodated or otherwise cared for by the state, for the purposes of interviewing a child or for observing the care provided.

The Children’s Commissioner has particular regard, under Section 2D of the Children and Families Act, for children whose rights are most likely to be infringed. This section allows the Commissioner and her team to provide advice and assistance to children living away from home or receiving social care. The Commissioner discharges this duty through the Help at Hand advice line (see section ii).

The Commissioner does not have a statutory responsibility to set or regularly monitor the standard of child protection in religious organisations and settings. Where a child is looked after or living away from home, however, they may contact the Help at Hand service for advice or assistance. Following any concerns raised about systemic issues in the quality of care, the Commissioner may refer to the police, an appropriate inspectorate or conduct a visit under Section 2E depending on the seriousness of the referral.

The office also has a Designated Safeguarding Officer with responsibility for the safeguarding of children and young people with whom the office comes into contact. We take suspicions and allegations of abuse to children seriously, including those within religious settings, and take swift and appropriate action to report to relevant agencies.

(ii) Help at Hand

The Children's Commissioner has a particular responsibility to listen to and represent the views of looked after children and children living away from home. Help at Hand is the Children's Commissioner's national advice line for children and young people who are in care, leaving care, living away from home or working with children's services. The advice line is independent of the Government and exists to make sure that young people's rights and entitlements are upheld and that their views are taken seriously.

The helpline also extends to children in residential schools who are not looked after children, or who are looked after on a voluntary basis (under section 20 of the Children Act 1989), or who have special educational needs and disabilities.

Children can contact the Help at Hand team via a freephone helpline, email or post. The enquiries made to Help at Hand vary in their content and complexity, covering advice on areas such as LAC and care-leaver rights, unwanted placement moves, access to advocacy, resettlement from youth justice settings and safeguarding referrals. To date, the Help at Hand team have not received any calls from a child or young person with a concern about sexual abuse in a religious organisation or setting.

The helpline also regularly receives calls from parents, carers, family members and professionals on behalf of children. Professionals to contact Help at Hand have included teachers, medical professionals, solicitors, councillors and employees of the local authority children's services, including social workers and independent reviewing officers. The professionals to most frequently contact the service for advice or representation on behalf of a young person are advocates, foster carers and children's home staff. To date, the Help at Hand team has dealt with one safeguarding report, raised by a community activist, of physical and sexual abuse at a group of religious schools. The alleged perpetrators were staff at the schools, although their identities remained anonymous. After liaising with a Children's Rights Adviser by email and phone, the individual raising the safeguarding concerns did not want to share details of either the schools or children involved and as such we could not report any concerns to a local authority or Ofsted.

(iii) Work on child protection in religious organisations and settings

The office of the Children's Commissioner regularly publishes briefings, reports and 'voices of children' pieces, many of these contain findings from data requests and analysis, and policy recommendations to local and national Government. The themes of publications released each business year are informed by the concerns raised by children with the Commissioner and her representatives, for example during visits (including those conducted under Section 2E statutory powers), focus groups and Help at Hand enquiries.

As part of her statutory duty to act as the 'eyes and ears' of all children in England, the Commissioner regularly reports on children who are out of public sight and whose voices are generally unheard. This includes the experiences of children detained in youth justice settings or subject to immigration controls, those sectioned under the Mental Health Act or deprived of their liberty.

In April 2017, the Commissioner released a series of publications on the prevention and investigation of child sexual abuse¹. A report on the role of schools in preventing child sexual abuse included an online survey of Head Teachers in England on the subject of schools' education on, perception of and

¹ Children's Commissioner for England: Investigating and preventing child sexual abuse (2017)
<https://www.childrenscommissioner.gov.uk/publication/preventing-child-sexual-abuse-2/>

responses to safeguarding concerns; 1,093 schools responded to the survey, 113 of which (10%) were faith schools. In her conclusion to this work, the Commissioner recommended that future Relationships and Sex Education (RSE) curricula should include content on recognising abuse and seeking help. The report also recommends that schools create the conditions which support children to speak out, broadening the focus from reporting concerns to establishing conditions which are conducive for children to disclose abuse². The 2017 series also included a 'Children's Voices' report, in collaboration with the NSPCC, on the lived experience and perception among children who had experienced CSA in the family environment³. Issues of race, culture and religious identity in the context of CSA was discussed, with a number of interviewees sharing that they felt their religious and cultural heritage would reduce their propensity to be believed when disclosing abuse⁴. Focus group discussions suggested there are community-specific barriers to disclosure amplified by religious or cultural factors or those related to racism⁵. Particular concerns among children of minority ethnic backgrounds included: fears of not being believed; family reputation and 'honour'; a desire to protect their communities from further stigma; and stigma around discussions of relationships and sex within their communities. Policy proposals to improve disclosure of CSA among children in religious communities were shaped by findings from these interviews. Recommendations included: promoting information about safeguarding services and helplines within religious communities; more sustained discussion and embedded education on abuse in schools (rather than one off events); greater opportunities for peer-peer support and spreading awareness that victims were not alone; and a widening of access to practitioners from a similar cultural or religious background "to ensure children and young people recognised that these issues did affect others in their communities"⁶.

Earlier this year, the Children's Commissioner's office published a report on children withdrawn from mainstream education, 'Skipping school: invisible children'⁷. The Commissioner has a longstanding concern about children who are becoming left behind and marginalised in society. This led to some data analysis work on children falling through the gaps in education. This highlighted the large, and growing, number of children being home educated and the Commissioner therefore undertook a project to explore this issue in more detail. The issue of part-time schools not being registered by Ofsted, including faith schools, came up as part of this work because these children are often listed as being home educated. For the purposes of this report, the Children's Commissioner accompanied Ofsted inspectors on visits to suspected illegal schools, including those run by religious organisations such as madrassas and yeshivas. In the report, the Commissioner's office expressed concerns that the lack of registration and regulation of these settings by statutory authorities results in the children within them being more vulnerable to forms of abuse and malpractice⁸. For this reason, the Commissioner believes that these schools should be registered with Ofsted.

To date, the Commissioner has not provided safeguarding training, guidance or consultation to religious organisations.

² Children's Commissioner for England (2017) 'Preventing CSA: the role of schools'
<https://www.childrenscommissioner.gov.uk/wpcontent/uploads/2017/06/Preventing-CSA-The-Role-of-Schools-CCO-April-2017-1.2-1.pdf>

³ Children's Commissioner for England (2017) 'Making Noise: Children's voices for positive change after sexual abuse'
https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/UniBed_MakingNoise-20_4_17-1.pdf

⁴ Ibid. p.50.

⁵ Ibid. p.60.

⁶ Ibid. p.62.

⁷ Children's Commissioner for England (2019) 'Skipping school: invisible children'
<https://www.childrenscommissioner.gov.uk/wpcontent/uploads/2019/02/cco-skipping-school-invisible-children-feb-2019.pdf>

⁸ Ibid. p.15.

Although she may enter premises for the purpose of observing standards and interviewing children, the office of the Children's Commissioner does not serve as an inspectorate. Therefore, the office has not conducted any systematic audits or case reviews of child protection arrangements or risk assessments in religious organisations and settings. Should a serious concern around safeguarding in a religious setting be raised with the Children's Commissioner or a member of her office, we would report to the police, relevant authorities and/or inspectorates for their assessment.

Statement of truth

I believe that the facts stated in this witness statement are true

Emily Frith

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