

Speaking notes for ADCS President's input to workshop session with IICSA

(on 27 September 2018)

Existing obligations on children's social care professionals to report child sexual abuse

General comments – what's the problem we're trying to solve?

- No evidence that in modern times in the UK that we have experienced significant levels of undisclosed child sexual abuse nor that professionals are routinely failing to report concerns about child sexual abuse at present
- ADCS members believe that existing reporting arrangements are sufficient
- The introduction of any new statutory reporting measures would have the potential to undermine the judgement of a range of skilled professionals and is highly likely to result in the use of defensive practice. This runs counter to the findings of the Munro Review of Child Protection (2011) which were widely supported by the sector and received cross-party support at the time of publication.
- The profile of referrals received by children's social care has shifted over the last 20 years or so, in part thanks to changing societal norms. For example, public health campaigns, such as 'don't shake the baby,' have had a significant and long-lasting impact on behavior; the ban on the use of corporal punishment in **state** schools (implemented in 1986). Corporal punishment in the independent school sector was not banned until 1999.
- The vast majority of referrals to children's social care and child protection concerns relate to neglect and non-sexual abuse.
- The UK has a sophisticated child protection system with an established multi-agency operating framework set out in statutory guidance Working Together to Safeguard Children (2018). Additionally, the non-statutory guidance 'What to do if you are worried a child is being abused' offers advice to practitioners.
- Any individual professional who knowingly and willfully fails to act on information about the abuse of children already faces serious repercussions. The severity of existing sanctions against practitioners should not be under-estimated. They include dis-barring; employer sanctions (including dismissal) and, in extreme cases, to the courts through the civil law concept of duty of care and negligence. Additionally, children's social care is heavily regulated, routinely inspected and in cases of failure, authorities are subject to a range of intensive government interventions (including the removal of statutory services and responsibilities) to a level unmatched by any other public body. Organisational level sanctions could hardly be more punitive than the current arrangements
- Where a local authority in England knows or suspects that a child has been abused or neglected, the local authority must notify the Child Safeguarding Practice Review Panel if the child dies or is seriously harmed in the local authority's area within five working days of becoming aware

Existing obligations: Legal (legislation and statutory guidance)

- **Section 11 of the Children Act 2004** - Places duties on a range of organisations, agencies and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.
- **Section 40 of the Childcare Act 2006** Early years providers have a duty to comply with the welfare requirements of the early years foundation stage (EYFS) and must ensure that: they are alert to any issues of concern in the child's life; and, that they have and implement a policy and procedures to safeguard children. This must include an explanation of the action to be taken when there are safeguarding concerns about a child and in the event of an allegation being made against a member of staff. The policy must also cover the use of mobile phones and cameras in the setting, that staff complete safeguarding training that enables them to understand their safeguarding policy and procedures, have up-to-date knowledge of safeguarding issues, and recognise signs of potential abuse and neglect
- Early years providers must also have a practitioner who is designated to take lead responsibility for safeguarding children within each early years setting and who must liaise with local statutory children's services as appropriate.

- **Children's homes Regulations and quality standards**

The registered person of a children's home is responsible for ensuring that staff continually and actively assess the risks to each child and the arrangements in place to protect them. Where there are safeguarding concerns for a child, their placement plan, agreed between the home and their placing authority, must include details of the steps the home will take to manage any assessed risks on a day to day basis.

Additionally, the registered person has specific responsibilities under regulation 34 to prepare and implement policies setting out: arrangements for the safeguarding of children from abuse or neglect; clear procedures for referring child protection concerns to the placing authority or local authority where the home is situated if appropriate; and specific procedures to prevent children going missing and take action if they do.

- **Section 74 of The Serious Crime Act 2015** placed a new duty on regulated professionals working in healthcare, social care settings or schools, to report suspected cases of **Female Genital Mutilation (FGM)** directly to the police.

- **Statutory guidance: Working Together to Safeguard Children (2018)**- After a referral has been made to children's social care, an assessment will take place: Early Help Assessment; Child in Need assessment; S47 Child protection enquiry. If Social Worker suspects significant harm, the local authority will convene a strategy discussion. If concerns are substantiated and they are serious, an initial child protection conference is convened. The initial child protection conference determines which professional and family members will form the core group to develop and implement the Child Protection Plan

- **Non-statutory guidance What to do if you're worried a child is being abuse -** If a child reports, following a conversation with a children's social care professional, that they are being abused and/ or neglected, the professional should listen to them, take their allegation seriously, and reassure them that you will take action to keep them safe. The professional will need to decide the most appropriate action to take, depending on the

circumstances of the case, the seriousness of the child's allegation and the local multi-agency safeguarding arrangements in place. The professional might refer directly to children's social care and/or the police or discuss concerns with others and ask for help. At all times, the professional should explain to the child the action that they are taking. It is important to maintain confidentiality, but professionals should not promise that they won't tell anyone, as the professional may need to do so in order to protect the child.

Existing obligations: Professional

- Whistle-blowing procedures - Several whistle-blowing vehicles have been established for children and young people themselves, members of the public and most recently for practitioners concerned that their employer is not dealing with the sexual abuse of children and young people at an organisational level.
- Clear escalation policies for staff to follow when their child safeguarding concerns are not being addressed within their organisation or by other agencies
- All local authorities must appoint a LADO – local authority designated officer. Policies for dealing with allegations against people who work with children should be passed to the Local Authority Designated Officer without delay. New appointments to LADO posts (unless involving moving from one local authority to another) must be filled by a qualified Social Worker
- If an organisation or agency removes an individual (paid worker or unpaid volunteer) from work in regulated activity with children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation or agency must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to local authority children's social care and/or the designated officer. It is
- A balance must be struck between the role skilled children's social care professionals play in building a trusting relationship with a child to enable a disclosure of abuse to take place and reporting those concerns.

Concluding remarks

- Do we seek more reporting of, or more action to tackle, child sexual abuse?
- The UK government does not collect data on the volume of initial contacts made to children's social care. Only ADCS collects this information which is reported biennially in the Association's Safeguarding Pressures research. According to the sixth iteration of this research (to be published end of October 2018), local authorities in England **handled 2.4 million initial contacts in the year 2017/18, up 50% from 1.2 million in 2007** when the study first began. Whilst this ADCS research into safeguarding pressures is able to capture the overall **total number** of initial contacts received by local authorities, and the broad **sources** of those initial contacts e.g. police, education, health, parent/carer/family and 'other', it is not possible to differentiate the primary reason for the initial contact. For example, it is not possible to know how many of the 2.4million initial contacts received by local authorities in the year 2017/2018, related to concerns about possible child sexual abuse.
- Local authorities are required to report to the Department for Education (DfE) annually on the number of referrals they receive and the broad primary reasons for the referral. The categories of 'reason' for referral are set by DfE; abuse and neglect form a single category; sexual abuse is not a category in its own right in terms of identifying the primary reason for the referral.

- Since April 2013, local authority children's social care departments have been reporting at a more granular level the principal presenting factors at assessment. These categories are also set by the DfE and one such category is 'sexual abuse'.
- In the year 2015/16 child sexual abuse was the principal presenting factor in 5% of all assessments. The most prevalent factor in assessments remains 'domestic violence'
- We need to tackle root causes of the sexual abuse of children (inc grooming and sexual exploitation) - there are broader cultural, moral and social issues e.g. the over sexualisation of children, young people and women in the media.
- Social media has contributed to the 'normalising' of abusive behaviours
- Grooming and the online images of the sexual abuse of children present a new raft of challenges for children's social care professionals.