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# **WELSH GOVERNMENT'S PRESENTATION TO THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE**

## **THE DUTY TO REPORT IN WALES**



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## **Background to the Introduction to the Duty to report**

**Children Act 1989** – ‘Local Authorities enquire about a child likely to suffer significant harm’. 47 (1) (b)

Power does not extend to who has to report.

**Welsh Government** - 2008 The All Wales Child Protection Procedures.  
Practice guidance issued by practitioners for practitioners said it was  
Everyone’s Responsibility.

**It created an expectation that practitioners would report.**



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## From Expectation to DUTY

**Lessons learnt** - Investigations in to historical abuse identified Children and Young People's voice was not been heard.

**Pressures on Social Services** - fragmentation of families and communities, changing family circumstances, financial pressures, low staff morale and blame culture creeping in.

**Media coverage** – Saville, Baby P, Winterborne View, Operation Jasmine all pointing to failures to protect Vulnerable people at risk.

**Ministerial Safeguarding Advisory Panel** – Established to ask how we strengthen existing safeguarding arrangements for children and adults.



## The Duty to Report

Learning from historical abuse findings, the news stories, the pressures on social services and the Ministerial advisory panels recommendation – all made a strong case for moving from expectation to a statutory Duty \*5. The Act introduced two new Duties to Report:

- Section 128, introduced a statutory duty on ‘relevant partners’ as defined by section 162(4) to inform the local authority of an adult at risk in specified circumstances.
- Section 130, introduced a duty on ‘relevant partners’ and the relevant youth offending team to inform a local authority of a child at risk in specified circumstances.

Further in the new revised Wales Safeguarding Procedures there is a proposed new chapter on the Duty to Report.



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## Who report's and who do they report to?

'Relevant partners' are who report and are defined as:

- local authority staff
- police
- probation and offender services, including youth offending
- health staff working for Local Health Boards and NHS trusts
- those discharging their functions under the Learning and Skills Act 2000.

Practitioners report to the relevant local authority (social services); Relevant authority is where the safeguarding concern arose.



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## What do they report?

They report a 'concern' rather than 'known facts' because evidence of harm may not always be present.

The concern they report should be about a child or young person under the age of 18 years (or an unborn child) who is experiencing or is at risk of abuse, neglect or other kinds of harm; or, has needs for care and support (whether or not the authority is meeting any of those needs).

The duty extends to reporting concerns about a practitioner who may place vulnerable people at risk of harm, both in their workplace or in their private lives.



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## **Strengthening the Duty to Report – Statutory Guidance the new Wales Safeguarding Procedures**

All Wales Child Protection Procedures are being revised into the Wales Safeguarding Procedures. There will be a dedicated chapter on the Duty to Report strengthening the case that Safeguarding is everyone's responsibility and putting for the case for:

“Its not a matter of personal choice”

In the guidance the duty is placed on practitioners deemed to be ‘relevant partners’ under the Act; the term ‘practitioner’ is a blanket term to describe anyone who is in paid employment as well as unpaid volunteers.



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## Handling failure to report – workplace approach

Any failure to report is managed through partner agencies' internal disciplinary processes, referral to any appropriate professional body and the regulatory body. All relevant partners have a corporate Safeguarding policy. Within there are reference to staff conduct. For example: Swansea Council:

“Every member of staff and all volunteers are responsible for undertaking their duties in a manner which safeguards and promotes the wellbeing of children and adults. They must raise any concern or allegation of abuse and neglect, without delay, according to this policy and relevant local and national policies and procedures. They must also act in a way which protects them against false allegations of abuse as far as possible and in accordance with this policy. They must bring issues of concern regarding the safety and wellbeing of children and adults to the attention of the Designated Manager in their Service.”





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## **Failure to report and the Fitness to Practice Review – a professions approach**

Every Social work in Wales is registered with Social Care Wales and who agree to abide by the Social Care Wales Code of Professional Practice for Social Work Failure to comply will lead to a fitness to practice review.

There are three relevant clauses within the code , the key one being:

3.7 using relevant processes and procedures to challenge and report dangerous, abusive, discriminatory or exploitative behaviour and practice:

Whilst Social Care Wales does NOT collate fitness to Practice reviews resulting from a Duty to Report, it does collate and reviews Fitness to practice reviews generally.



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## So Where are we now?

- **TRAINING & SUPPORT – Professional , Targeted and strengthening good practice**
- **LEADERSHIP – Integrated, Independent and Inclusive**
- **IMPACT – Improved partnerships, Improved skills and Improved prevention;**