

Mandate Now

Review

of

Reporting and acting on child abuse and neglect

Summary of consultation responses and Government Action

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Overview

Amendment 43, tabled by Baroness Walmsley during the passage of the [Serious Crimes Bill in the House of Lords on 28th October 2014](#) sought to mandate, support and legally protect specified staff who work in Regulated Activities, to report known and suspected abuse on reasonable grounds to the Local Authority or the police. Regulated Activities are poorly defined in the Safeguarding Vulnerable Groups Act 2006 (as amended in 2012). It includes professions such as healthcare, education, faith, sports, scouts, and similar places where children are in the care of adults other than their parents and in which they spend most time after home.

For some time before October 2014, under reporting of known and suspected abuse by Regulated Activities was evident. It happens for a number of complex reasons for example: self-doubt, the fear of being wrong, fear of the consequences of reporting and being branded a trouble-maker, and protection of institutional reputation. Gaze aversion also plays a significant part. Furthermore management teams in Regulated Activities can have any number of reasons for wanting to suppress reports. But all are certainly to the cost of the child and good employees trying to do the right thing. We saw repeated examples of this in the Catholic Church and Church of England hearings at the **INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE** earlier this year.

Conclusion

The Home Office and the Department for Education [summary of action](#) has sidestepped the reporting of known and suspected abuse by Regulated Activities. Instead Government has said it will concentrate on improvements to inter-agency services once a referral has been received by the Local Authority from any source. At best this might only improve the lot of the one eighth of abused children who come to the attention of the agencies as identified by the Children's Commissioner¹. The failure of the Home Office and the Department for Education to address non-reporting of known and suspected abuse highlights the Government's flawed approach to safeguarding in these settings. It simply does not want more referrals made to a system that is struggling to cope for a variety of reason including budget cuts. [This was our view of the situation in March 2015](#). Little has changed. Government inertia knowingly leaves children to their fate who could otherwise be placed into safety with the introduction of well [designed mandatory reporting](#). We can state this by using [empirical evidence](#) and [data](#) from common law jurisdictions which have introduced mandatory reporting.

Furthermore an absence of mandatory reporting in Regulated Activities means there is no statutory accountability for failure to report known or suspected abuse, the consequences of which resulted in the Independent Inquiry into Child Sexual Abuse.

¹ Protection Children from Harm report (November 2015).

Introduction	Mandate Now Response
<p>All children are owed the right to be safe from harm. Keeping children safe is the responsibility of everyone who comes into contact with children and families, and we all have a role to play in protecting children and young people from child abuse and neglect.</p>	
<p>1. We are absolutely clear that practitioners should make an immediate referral to local authority children’s social care if they believe that a child has suffered harm or is likely to do so. This expectation is set out in the cross-sector <i>Working Together to Safeguard Children</i> statutory guidance. Approaching 650,000 referrals were made to local authority children’s social care services in England in 2016–17.</p>	<p>We are pleased that both the Home Office and the Department for Education are ‘absolutely clear’ about making referrals, but almost nobody else is. The absence of law mandating Regulated Activities (“RAs”) to refer known and suspected abuse to the Local Authority for independent assessment, causes weaknesses in every link in the safeguarding chain. It also explains why ‘statutory guidance’ is reliant on the word ‘should,’ rather than ‘must’ refer allegations. Furthermore, no law means there is no statutory accountability for failure to report. The jurisdictions of England and Wales have discretionary reporting which fails repeatedly. Its dysfunction has compelled the Home Office to commission the INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE. The Government is out of step with the majority of countries on all four continents.</p> <p>“Should” is no better than we have now and it fails Regulated Activities. The IICSA hearings have repeatedly shown how easy it is to evade “should,” and the consequences of the failure revealed.</p>

<p>2. We know, however, that despite the best efforts of practitioners working with children and families – across children’s social care, the police, health, education, and the charity sector – some abuse and neglect has gone undetected by statutory agencies. This can happen for a variety of reasons, including failures to report or share information properly, and failures to perceive abuse or understand the nature and level of the risk of harm faced by children. In a small but important number of cases, there have been allegations of deliberate cover-ups or malpractice. The Government is clear no sector or organisation is above the need for robust safeguarding arrangements. We all have a responsibility to protect children from harm and abuse and a moral duty to report a crime.</p>	<p>It’s not just “some” abuse that is undetected, it is “most”. According to research conducted for the Commissioner for Children in England and referred to in our conclusion in the previous page, only one in eight (12.5%) of abused or neglected children currently comes to the attention of the local authority children’s services.</p>
<p>3. In circumstances where frontline practitioners do fail to identify or fail to report the signs of abuse and neglect, the consequences can be catastrophic and leave a lasting and devastating impact on the lives of victims and their families.</p>	<p>Correct, and as a result of Government choosing to maintain the existing system, the long needed improvement to safeguarding in Regulated Activities (“RA’s”), which is evidenced within ‘Impact of new mandatory reporting law and identification of child sexual abuse: A seven year time trend analysis by Professor Ben Mathews, has been ignored..</p>

<p>4. Acknowledging the importance of these issues and the need to explore all options for improvement, on 21 July 2016, the Government launched a 12-week consultation on ‘Reporting and acting on child abuse and neglect’. In particular, the Government’s consultation document took a neutral stance in setting out possible options and recognised the strength of feeling amongst some survivors’ groups and other voices in the sector that more needed to be done to change the way knowledge about children at risk of harm was shared, and that in particular, a mandatory reporting duty was often raised as the potential solution. It was essential to give these issues fair consideration with an unwavering focus on how we might be able to improve outcomes for children. The Government agreed on the need to consult widely due to the complexity and sensitivity of the issue, and the scale of the potential impact on practice across a wide range of professions. The consultation sought views on whether to introduce new statutory measures focused on reporting and acting on child abuse and neglect, in addition to our ongoing programme of wide-ranging reforms.</p>	<p>The government’s stance was anything but neutral.</p> <p>The Government’s mandatory reporting proposal in the consultation bore no resemblance to the proposal made in Amendment 43 tabled by Baroness Walmsley during the passage of the Serious Crime Bill in October 2014 which secured the consultation. The Government’s proposal in the consultation was so poorly drafted that no reasonable person would have adopted it. It was designed to fail. Even Mandate Now opposed it. Furthermore, questions were negatively weighed around mandatory reporting rather than neutrally presented. Asking people, who cannot possibly know, whether they think the impact on children coming forward would be negative called for speculation rather than evidence.</p> <p>As for the “duty to act” proposal, there is no way such an ill-defined criminal offence of failing to act in an “appropriate manner” could have possibly navigated parliament.</p> <p>Mandate Now reviewed both options in our submission</p>
<p>5. The headline question in the consultation asked which of the following three options was most preferable:</p>	
<ul style="list-style-type: none"> allowing the package of reform measures focused on improving how the whole system responds to child abuse and neglect to be implemented before considering the introduction of additional statutory measures; 	<p>These have very little to do with child protection in Regulated Activities i.e. how a concern is reported within the setting and how the setting then reports the concern (or does not) to the Local Authority. Moreover, deciding to concentrate solely on how the system responds ignores the 87.5% of children the system is currently unaware of.</p>
<ul style="list-style-type: none"> the introduction of a duty to act, focused on taking appropriate action in relation to child abuse and neglect, with sanctions for deliberate and reckless failures; or 	<p>Duty to Act was dysfunctional. Our review of ‘Duty to Act’ starts on page 28 of our submission.</p>
<ul style="list-style-type: none"> the introduction of a mandatory reporting duty focused on increasing the reporting of child abuse and neglect. 	<p>Another dysfunctional proposition that we rejected. Here is the first page of our review of the proposition</p>

<p>6. Copies of this document have been placed in the House Library and it is available via the gov.uk website [www.gov.uk].</p>	
<p>Summary of responses and conclusions</p>	
<p>7. The consultation opened on 21 July 2016 and closed on 13 October 2016, receiving 768 responses. In addition, the Government held a roundtable meeting chaired by the then Minister for Vulnerability, Safeguarding and Countering Extremism. The event was held in Rotherham and was attended by victim and survivor groups and key voluntary organisations. We are grateful to everyone who took the time to respond to the consultation and to provide views on these critical issues.</p>	<p>The meeting was hosted by Sarah Newton MP - Minister Preventing Abuse, Exploitation and Crime on 28/8/16. <u>It was never billed as a roundtable. Despite child abuse being considered a 'national threat,' the meeting was allocated 75 minutes (between 10.30 and 11.45). We understand there were 8/9 attendees, all from NGO's, none of which are directly involved in the design and daily delivery of child protection</u> in a Regulated Activity. No one from education, the largest Regulated Activity, was present. Neither was a LADO. The time available for anyone to speak on this complex subject was very limited given the parameters of the meeting set by the Home Office. It appeared to be a box ticking exercise to say a meeting, now retitled a 'roundtable,' which Lord Bates (C) had agreed with Baroness Walmsley (LD) who tabled Amendment 43 in the Serious Crimes Bill), would happen. Regrettably it was dominated by one contributor whose work addressed victims of rape and not Regulated Activity safeguarding. The meeting was hosted in Rotherham when most of the invitees were from London. Mandate Now declined an invitation.</p>

<p>8. The majority of responses (609) were received via an online survey, with 97 survey responses received offline and another 62 submissions coming via email or post. Responses were received from a wide range of sources, representing different interests and perspectives. This included responses from organisations representing practitioners² and others in the local government, education, early years and healthcare sectors, as well as responses from the police, children’s charities, survivors’ groups and members of the public. A full breakdown can be found in the ‘Analysis’ section of this document. A list of organisations which responded can be found at Annex B.</p>	
<p>9. The majority of respondents to the consultation (63%) were in favour of allowing the Government’s existing programme of reforms time to be fully embedded. Only a quarter of respondents (25%) favoured introducing a duty to act, with less than half of that number (12%) favouring the introduction of mandatory reporting.</p>	<p>The report makes no attempt to weigh the responses according to the quality of knowledge the respondents have of safeguarding in regulated activities.</p>
<p>10. The consultation asked for feedback on the key issues within the current child protection system. The areas where respondents thought that improvement was most needed was in better <u>joint working</u> between different local agencies (93%), further work to encourage <u>new and innovative practice</u> (85%) and better <u>training for practitioners</u> (81%). These are clearly important areas for the Government to focus on in the next stage of our reform programme – how we intend to do so is set out in the ‘Government action’ section below.</p>	<p>Again, all these ignore the fact that the vast majority of children never become known to the system in the first place.</p>

² The term ‘practitioners’ was used throughout the consultation to refer to individuals who work with children.

<p>11. The majority of respondents (51%) agreed that a duty to act would have an adverse impact on the child protection system (such as impacting recruitment and retention of staff, and negatively impacting the serious case review process). A quarter of respondents (25%) were attracted to the idea of the duty to act. Two-thirds of respondents (67%) agreed that a duty to act would strengthen accountability in the system. Over half of respondents (57%) agreed that it would be more likely to improve outcomes for children than a duty focused solely on reporting. A number of respondents suggested that further consultation would be required should such a duty be developed in future.</p>	<p>Given the complete legal impracticability of the duty to act proposal, it is astonishing that anybody favoured it at all, and demonstrates that in all probability those respondents had little idea of what they were talking about on the subject of safeguarding within Regulated Activities. This includes the NSPCC which supported 'duty to act.'</p>
<p>12. Respondents were more concerned about the potential negative impact of introducing a mandatory reporting regime. Over two-thirds of respondents (68%) agreed that such a duty would have an adverse impact on the child protection system. Eighty-five percent (85%) of respondents agreed that mandatory reporting would not ensure that appropriate action would be taken to protect children. Just over two-thirds of respondents (70%) agreed that a statutory mandatory reporting duty would generate more child abuse and neglect reports, but a similar proportion of respondents (66%) agreed that it could divert attention from the most serious child abuse and neglect cases.</p>	
<p>13. One argument made in individual responses to the consultation was for different forms of mandatory reporting based on reporting within 'closed institutions' or 'regulated activities'. These models, their rationale and the issues associated with them were described in annex B of the consultation materials.</p>	

<p>14. A small number of individual respondents (including the Office of the Children’s Commissioner and the NSPCC) raised the idea of a concealment offence in relation to child abuse and neglect. It was felt this might address scenarios where there is a conflict between reporting and the potential reputational damage to an institution.</p>	
<p>15. Additional recent research evidence not included within the summary of research in the consultation materials was also submitted through the consultation process, as requested within the consultation document itself.³ In formulating the Government response, all such material has been considered carefully.</p>	<p>This assertion is misleading. The consultation documents were signed off by Rt Hon Karen Bradley MP on 12/10/15 but the consultation was not launched until nine months later on 21/07/16, the last day of Parliament. Between 12/10/15 and the 21st July 16 launch, this important research was published (April 2016). The Home Office omitted it from its consultation documents. Mandate Now advised the Home Office shortly after launch when it first came to our attention. No contemporaneous attempt seems to have been made by the Home Office to correct the situation until the article by Professor Mathews appeared in the ‘summary of consultation responses and Government action’ published on 5th March 2018 – see page 35, suggesting it was research that had been later submitted, when in fact it had been omitted by the Home Office therefore denying respondents the important evidence it contained which would have informed their responses.</p>
<p>Government response</p>	
<p>This section sets out our assessment of responses to the consultation and the</p>	

³ References at annex C.

<p>Government’s own response, considering the evidence and the impact of the options on which we consulted. Whilst we have not found conclusive evidence to show that reporting and referrals are a current systemic issue, there are significant concerns by a clear majority should mandatory reporting be introduced. A mandatory reporting duty or duty to act brings with it a range of risks which are outlined here, including the impact on identifying abuse and neglect, on practitioners’ professional judgement, and for children’s outcomes.</p>	
<p>16. The Government has considered the issues objectively and from the point of view of what would likely be best for children – informed by, but not bound by the result of the consultation. This includes the question of whether, given the Government’s commitment to doing all it can to protect children from abuse and neglect, mandatory reporting or a duty to act would have a positive impact on keeping children safe.</p>	<p>Neither proposal, as described by the government, would help keep children safe. Even Mandate Now was against the mandatory reporting proposal described in the consultation. These proposals were quite different to Amendment 43 tabled by Baroness Walmsley in the Serious Crime Bill and which Mandate Now used as the basis for our submission to the consultation. The Government ignored Amendment 43 and presented mischievously designed proposals for which the newly created term ‘practitioner’ was central. It permitted Government to include non-Regulated Activities such as police and social workers and seemed designed to encourage objection to MR. This became apparent when, after nearly three years delay, the consultation was launched on the last day of Parliament 21/7/16 when schools, the largest Regulated Activity, were on holiday. The launch was designed to strike fear into the public and potential respondents. On LBC radio, the breakfast presenter informed the audience that ‘secretaries were being threatened with jail for failing to report.’ One can only wonder what background briefing from government contributed to that interpretation of the proposal.</p>

<p>17. Having considered all of the evidence and the views raised by the consultation, the Government believes that the case for a mandatory reporting duty or duty to act has not currently been made. Therefore, we do not intend to introduce a mandatory reporting duty or duty to act at this time. The following sections set out our assessment of the issues raised by the consultation, the most effective responses and how they will inform Government policy, and the importance of continuing to assess the evidence on mandatory reporting and how this might alter our understanding of what works best for children.</p>	<p>The government might have <i>considered</i> all the evidence, but it hasn't <i>described</i> any of it in this report document. As far as anybody can tell from what has been included, the sole basis for the decision seems to have been the number of respondents for and against each proposal. Since the proposal was designed to fail, it is hardly surprising that the government chose a measure that allowed it to claim that it had failed.</p>
<p>18. The key premise behind a mandatory reporting duty is the threat of sanctions that would then be imposed on those who choose not, or otherwise fail to report concerns about child abuse and neglect. This in turn would lower the threshold for practitioners choosing to report a concern, with a lower likelihood of being dissuaded from doing so – including in cases where, for example, they are unsure what they have seen, they are influenced by professional cautiousness, or they are fearful of the reputational damage that making a report may cause. Supporters of mandatory reporting argue that this reduces the risk that serious cases will pass unnoticed and therefore results in better protection for children.</p>	<p>If, as the Children's Commissioner's research indicates, seven out of eight abused children do not currently come to the attention of children's services, then to "lower the threshold for practitioners choosing to report a concern" for independent assessment is precisely what needs to happen. Pleasingly, the government seems to have belatedly realised this by adopting the Strapline is: 'if you think it report it' in its huge national advertising campaign on commercial radio that ran for most of 2017 and well into 2018.</p> <p>This is an overtly lower threshold compared to that sought in both Amendment 43 and in the submission of Mandate Now, both of which say 'have reasonable grounds for knowing or suspecting the commission of abuse on children.' Only once such concerns have been reported can they be independently assessed by the Local Authority. It's precisely what the Government's advertising seeks to achieve, but advertising has very little effect on value judgements, unlike law.</p>

<p>19. The Government recognises the importance of these points – and the effect following the introduction of mandatory reporting in other countries such as Australia, suggests that referrals do indeed increase where mandatory reporting is in place. However, even compared to countries which have mandatory reporting systems, the rate of referrals is comparable or already higher here: 54.8 per 1,000 children in England (2016/17), compared to 53.2 per 1,000 children in the USA (2015), and 42.0 per 1,000 children in Australia (2015/16).</p>	<p>The absolute referral rate is a red herring. It can be affected by many things such as what is defined as a “referral”, and the underlying rate of abuse. What matters is the proportion of abused children who come to the attention of statutory agencies and are thereby supported and protected. This is the only data the Home Office produces to justify its inertia on mandatory reporting. We are not provided with age or sex of children for referrals received (i) by Local Authority or (ii) referral source by type i.e. education, healthcare, faith, cadets, scouts sport, familial or (iii) outcome of each referral by type.</p>
<p>20. Our imperative is to ensure that the right children get the right support and protection, at the right time. But even with an increase in referrals associated with mandatory reporting, this would not necessarily lead to an increase in subsequent engagement with children brought into the child protection system. The increasing number of referrals rather risks creating a ‘needle in a haystack’ effect in which it is less likely, rather than more likely, that the social care system will identify key cases. Implementation of a mandatory reporting duty may also result in less consideration of the most appropriate stage for referrals, leading to a ‘tick box’ procedural approach – not only by social workers, but also those practitioners referring cases including in health, education and the police. Again, this would not help children’s social care to identify key cases.</p>	<p>Of course mandatory reporting will “not necessarily lead to an increase in subsequent engagement with children brought into the child protection system”. It’s not designed to. The quality of the system for responding to reports defines that. But unless abused children are brought to the attention of the Local Authority by Regulated Activities, which tend to significantly under-report in ‘discretionary reporting’ jurisdictions such as England and Wales, nothing can be done to stop abuse.</p> <p>By talking of a ‘needle in a haystack’ the government is in effect making the quite unreasonable demand that no additional unsubstantiated reports will be generated by mandatory reporting. The true test of the success of mandatory reporting is whether there is an increase in the number of children protected. The evidence from Australia suggests that in these terms, the introduction of mandatory reporting into Regulated Activities is very successful.</p>

<p>21. Furthermore, mandatory reporting will not itself improve the quality of practitioners' judgement about whether what they are seeing is abuse or neglect, and how best to respond; this remains the ultimate focus for best supporting children at risk of harm. Many serious incidents occur with children already known to social care. Indeed, the triennial analysis of serious case reviews, in particular, demonstrates that in most cases the significant harm or death of children occurs despite their being known to children's social care. A mandatory reporting duty would have been of limited value for protecting children in those cases. It could, however, further undermine effective practice by instilling risk-averse behaviour driven by the fear of sanctions, rather empowering the workforce to make the right decisions.</p>	<p>Firstly, "practitioners" is a term introduced by the Home Office for the purpose of the consultation, which permits it to include non Regulated Activities such as police, social workers (who are professionally expected to be able to judge "whether what they are seeing is abuse or neglect") and others working with children who have not had social work training and are not expected to make such judgements.</p> <p>Mandatory reporting of course will not improve the judgement of social workers – only better social work training and more realistic social service workloads can achieve that. Those measures should be taken in addition to mandatory reporting.</p> <p>And mandatory reporting isn't even intended to help teachers and others decide "whether what they are seeing is abuse or neglect". It is designed to encourage them to report suspicions on reasonable grounds to those who are in a position to investigate and make that judgement independently of the setting.</p> <p>This paragraph makes a deliberate misrepresentation of what mandatory reporting is designed to achieve.</p>
<p>22. This impact could be felt not only in children's social care, but by practitioners more widely across health, education and the police. If disproportionate attention is placed on referrals and reporting, it may deter organisations and agencies outside social care from working effectively with children on lower-level issues, engendering an attitude that once the report has been made, they have discharged their responsibilities. Beyond the risks associated with mandatory reporting, a broader duty to act does not itself support judgements about what action to take, and risks creating defensive barriers to effective decision-making rather than trust in practitioners to discharge the obligations to act that they already have.</p>	<p>The impact will only be felt in social care because government mischievously included social workers among the mandated reporters. Social workers have frequently been unfairly made the scapegoats by politicians concerning child protection failures. By including them, not as Regulated Activities but as 'practitioners,' within the scope of the government's mandatory reporting proposal, it was certain to result in a large number of organisations responding negatively to it. This direction of travel was given further impetus following the publication of the Serious Case Review of the Oxford CSE case despite no wilful neglect coming to light.</p> <p>In a well-designed mandatory reporting regime, social workers aren't mandated reporters; they are the <i>recipients</i> of the reports.</p>

<p>23. If a mandatory reporting duty or duty to act were introduced, we must expect alongside the increase in referrals, an increase in the intervention in the lives of children and families. This may undermine confidentiality for those contemplating disclosure of abuse with victims more reluctant to make disclosures if they know that it will result in a record of their contact being made. The prospect of such contact may cause families to disengage with services. It is worth stating, however, that even if this important issue were to be discounted, the serious questions about the inherent effectiveness of a mandatory reporting duty for improving children's outcomes would remain.</p>	<p>There is no evidence that victims would have that consideration. Moreover, mandatory reporting would and should apply to suspicions other than those arising out of a disclosure by a child. Such disclosures are already rare.</p> <p>Many organisations which support adult survivors of child abuse are in favour of mandatory reporting because they represent people who wish that their sometime change in behaviour had been noticed, reported and acted on at the time.</p>
<p>24. Most fundamentally, the evidence and submissions received through the consultation has not demonstrated conclusively that the introduction of a mandatory reporting duty or a duty to act improves outcomes for children. This must be our guiding consideration when considering such a major reform of such a vital service.</p>	<p>If it is the government's intention not to reach that conclusion, then no amount of evidence will be enough to change its mind. It is curious though that the evidence either way hasn't been described. Only the balance of opinion has been described. Where is the evidence?</p>

<p>25. What the consultation has shown us, together with serious case reviews and Ofsted inspections, is that professional experience and other evidence generally does not find reporting to be a key issue in cases where a child is failed. Whether a child is already known to social care or not, translating practitioners' knowledge of a child's ongoing needs into appropriate support can be the difference between life and death. Such evidence suggested that issues around information sharing, professional practice and decision making are more likely to be at the crux of incidents where children do not receive the protection they need.</p>	<p>This is simply untrue. There have been a whole raft of SCRs and other reports where the failure to report abuse had a significant effect on the outcome for the child. To take three examples</p> <ul style="list-style-type: none">• Two out of six paragraphs in the executive summary of the SCR into the death of Daniel Pelka were devoted to his school's "dysfunctional" safeguarding arrangements which led to several indications of abuse being recognised but not reported.• Suspicious activities by Nigel Leat at Hillside First School were noticed by staff on at least 30 occasions. Only eleven of these were reported to the head teacher and none passed on to children's services. Nigel Leat taught at the school for 14 years before being discovered as a result of a child disclosing to her mother who contacted the police directly• Jimmy Savile abused at just about every institution he came into contact with. In many cases suspicions were raised but not reported on.
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<p>26. What would ultimately be most effective is improved information sharing, supported by better multi-agency working, better assessments, better decision making and better working with children at all stages of their engagement with the safeguarding system. This is at the heart of the Government’s reform programme, particularly focused around multi-agency cooperation and social work. We believe this programme, much of which is particularly focused on how local agencies effectively act on information already gathered about children at risk of harm, rather than being focused on the referral stage, is the more effective way to address the concern raised by proponents of mandatory reporting that children might be ‘missed’ by the system. If our reforms are effective, a mandatory reporting duty would not be needed, and these reforms will themselves work most effectively without the unintended consequences that may occur due to the introduction of a reporting duty.</p>	<p>Information sharing will only improve if the balance of incentive is in its favour. At the moment, there are three things which combine to suppress reports.</p> <ul style="list-style-type: none"> • The fact that initial evidence of abuse (especially sexual abuse) is often vague and uncertain • people’s understandable concern that they may be accusing an innocent person, • organisations’ understandable desire to protect their own reputations <p>If (as the Children’s Commissioner has stated), seven out of eight abused children do not come to the attention of statutory agencies, then improved inter-agency working can at best only improve the lot of one eighth of abused children that come to the attention of the agencies.</p> <p>It is notable that the government has spent all its time arguing against mandatory reporting in this summary, and has not bothered to give reasons at all for dropping the “duty to act” proposal offered as an unworkable alternative.</p>
<p>Government action</p>	
<p>This section sets out the targeted action that the Government is taking in response to issues raised by consultation. In particular, we will address four key issues around reporting and acting on child abuse. These include the importance of understanding and reporting abuse, information sharing between agencies that work with children, best practice and professional training, and continuing to assess the legal framework and evidence to ensure the approach we are taking is effective and adequate.</p>	

<p>27. We have already overseen significant reforms to the child protection system, following the conclusion of the Munro Review of Child Protection in 2011, but we want to do more to deliver the best outcomes for children, and are doing so. The policy paper <i>Putting Children First</i> (2016) set out how we are transforming the children’s social care system by delivering major reforms under key pillars:</p>	<p>Please note – the Munro Review started from the point a referral is received by the Local Authority and not how referrals reach or fail to reach the Local Authority from Regulated Activities. It is the reporting and failures to report that mandatory reporting addresses. The Home Office repeatedly chooses to overlook this.</p> <p>No amount of reform is going to achieve very much while social services budgets continue to be cut. If there are inadequate resources to address the children in need who are already known to social services, then it is hardly surprising that in many cases “significant harm” or death of children occurs despite their being known to children’s social care” as described in paragraph 21.</p>
<ul style="list-style-type: none"> • people and leadership – bringing the best into the profession and giving them the right knowledge and skills for the challenging but hugely rewarding work ahead, and developing leaders equipped to nurture practice excellence; 	<p>A public sector pay freeze is unhelpful to retaining good personnel and attracting the best.</p>
<ul style="list-style-type: none"> • practice and systems – creating the right environment for excellent practice and innovation to flourish, learning from the very best practice, and learning from when things go wrong; and 	
<ul style="list-style-type: none"> • governance and accountability – making sure that what we are doing is working, and developing innovative new organisational models with the potential to radically improve services. 	<p>Since seven out of eight abused children don’t reach the notice of children’s services, it is clear that “what we are doing” in terms of ensuring abused children become known to the system is <i>not</i> working. The government’s conclusions do not even acknowledge this failure, still less offer any proposals to address it. Witnesses in the IICSA hearings have repeatedly commented on the lack of accountability of those who know of abuse but choose not to pass that knowledge on.</p>

<p>28. We are already taking steps to deliver improvements in safeguarding and child protection which we expect will bring real benefits to children. We also recognise that there are more steps we can take to enhance the likelihood of abuse and neglect being recognised and reported at an earlier point so that the appropriate action can be taken.</p>	<p>Importantly none of the improvements are specified.</p>
<p>29. We will address directly the issues raised by the consultation through a combination of these ongoing reforms and the following programme of action.</p>	
<p>To ensure there is strong awareness of the risks and need to report abuse, we are:</p>	
<p>30. Launching a further phase of our communications campaign, <i>Together, we can tackle child abuse</i>. The third phase of the campaign continues to raise awareness, improve understanding and normalise reporting behaviour in communities so that more children can be kept safe from harm. The campaign builds public understanding of how to interpret and act on concerns, educating individuals about the signs of abuse and neglect, and encouraging reporting. Through the campaign we will also engage with local authorities and practitioners in areas such as police, health and education, to reinforce existing professional duties to take action if they have concerns about a child's welfare, where reporting a concern is more important than protecting the reputation of an individual or organisation.</p>	<p>Communications campaigns have little effect. The "Clunk Click" seat belt campaign (ironically fronted by Jimmy Savile) went on for years but had little effect on numbers of people wearing seatbelts.</p>

<p>31. Making Relationships Education and Relationships and Sex Education (RSE) mandatory in all schools. Given the increasing concerns around child sexual abuse and exploitation and the growing risks associated with growing up in a digital world, there is a particularly compelling case to act so that children are better equipped to protect themselves. That is why we are legislating to make the subjects of Relationships Education mandatory in all primary schools and RSE mandatory in all secondary schools. Whilst we are clear that the most pressing safeguarding concerns relate to Relationships Education and RSE, it is evident that wider concerns about child safety and wellbeing relate to the core knowledge these subjects can teach, such as understanding of the risks of drugs and alcohol, and safeguarding physical and mental health. We therefore think it is important that we have the ability to make Personal, Social, Health and Economic Education (PSHE) mandatory as well, subject to the outcome of thorough consideration of the subject. The Department for Education has conducted a thorough engagement process on the scope and content of Relationships Education and RSE, including further consideration of PSHE. This process involved engagement with stakeholders and a public call for evidence, and will be followed by a formal consultation on the resulting regulations and guidance. Elsewhere the Government has also provided £2.3 million funding for the second phase of the successful ‘Disrespect Nobody’ campaign, which raises young people’s awareness of healthy relationships and safe choices.</p>	<p>This is all very well, but this affects only one component of a functioning child protection framework i.e. disclosure by the child, and the ideal place to deliver it is in education which is a Regulated Activity. There are very many cases where there are reasonable grounds for suspecting abuse in the absence of a disclosure, but RSE will have no effect on the willingness of adults to report such suspicions concerning the children in their care.</p> <p>This is an extract from transcript in the IICSA Anglican Hearing is Colin Perkins the Diocesan Safeguarding Adviser for Chichester 15/3/18.</p> <p>A. Dr Nigel Speight a consultant paediatrician writing in the British Medical Journal in 1989. The article was about the identification of non-accidental injuries, so</p> <p>Q. I think I know the quotation.</p> <p>A. You may know the quote, it is a well-known quote:</p> <p>"The biggest barrier to diagnosis is the existence of emotional blocks in the minds of professionals." Now, this is diagnosis, because it is the British Medical Journal, but it transposes: "These can be so powerful that they prevent the diagnosis even being considered in quite obvious cases. All those working with children should be warned that their overwhelming impulse on confronting their first case will be to want to cover it up."</p> <p>When Council to the Inquiry asked about mandatory reporting Mr Perkins did not provide an answer but did ask a number of rhetorical questions.</p> <p>He needed to give the question more thought. But why? He’s had years.</p>
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<p>32. Increasing the effectiveness of <i>Keeping Children Safe in Education (KCSIE)</i> guidance. We plan to update this guidance for education professionals to reflect current safeguarding concerns and understanding of good practice, including an already strong focus on the importance of referrals and information sharing. We published a public consultation into proposed revisions to KCSIE on 14 December 2017, the consultation closing on 22 February 2018. The intention is to publish revised guidance, for information, in the summer term 2018 to be effective from September 2018.</p>	<p>The guidance cannot be made more effective, which by definition means more reliable, by retaining ‘discretionary reporting’ of known and suspected abuse. Guidance currently delivers nominal responsibility for safeguarding, and no statutory accountability for failing to report in Regulated Activities.</p> <p>The statutory framework applied to Regulated Activities requires mandatory reporting as >86% of Europe now has and empirical evidence supports.</p> <p>Meanwhile the Department for Education and the Home Office, for reasons that have no connection to safeguarding children, retain ‘guidance’ that relies on ‘discretionary reporting’ and regulated activities ‘having due regard to’: ‘Keeping Children Safe in Education’</p> <p>The IICSA hearings in November & December 2017 into Ampleforth and Downside schools show that those in charge knew perfectly well how to report, but it also shows that they carefully checked that they didn’t have to report, and so chose not to. No conceivable change to KCSIE would make any difference to this.</p>
<p>33. Targeting support for areas where abuse concerns are emerging, including in sport. In response to allegations of non-recent child sexual abuse that surfaced in late 2016, the Department for Digital, Culture, Media and Sport is working with other government departments and the sport sector to ensure that sports clubs and organisations have strong processes in place for dealing with any allegations of non-recent abuse and to ensure that current arrangements for safeguarding children and young people in sports environments are as robust as possible. Our <i>Together, we can tackle child abuse</i> communications campaign aims to reach practitioners and volunteers across a broad range of sectors and communities, including those not part of traditional child protection arrangements, and in both regulated and non-regulated professions and settings.</p>	<p>The error-strewn safeguarding policies of the FA (the country’s largest sport’s governing body) are incapable of being the foundation of functioning child protection as this December 2016 review revealed More recently still this review of the Church of England’s policy submitted to IICSA via solicitors acting for core participants on 6/2/18.</p> <p>A clear legal framework describing well-defined statutory duties is what is needed to ensure sporting bodies (and others such as churches) don’t approach this by simply creating long and impenetrable documents that look impressive until you try to read and apply them.</p>

<p>34. Creating a safe space for whistle-blowers. We have established a whistleblowing helpline for practitioners to raise concerns about their organisation’s ability to protect children from abuse and neglect. Such measures are vitally important to counter the sort of behaviour where it appears the imperative to report and act on child abuse is wrongly counterbalanced, or even outweighed, by a desire to safeguard personal status, institutional reputation or profitability.</p>	<p>This is a false narrative. Whistleblowing in a Regulated Activity is high risk and almost impossible.</p> <p>An example : https://audioboom.com/posts/3453395-bbc5live-breakfast-1-8-13-some-of-the-obstacles-that-block-welfare-concerns-being-reported-mandatenow</p>
<p>To improve information sharing, we are:</p>	
<p>35. Improving multi-agency working, in particular local information sharing. Following the passage of the Children and Social Work Act 2017, we will introduce, during the current parliament, new multi-agency safeguarding arrangements to ensure shared and strengthened ownership of local safeguarding, replacing Local Safeguarding Children Boards. This is a major reform of the fundamental workings of local child protection. By supporting local areas to develop stronger, bespoke working arrangements between local authorities, health and the police, we expect to see a step change in the quality of inter-agency work to safeguard children. The new arrangements will provide additional powers to secure effective participation from key agencies and agree plans to strengthen information sharing. We know that the best multi-agency arrangements are those which enshrine consistent and effective information sharing arrangements. These improvements to the system of multi-agency working at a local level will be coupled with new arrangements for reviewing serious child safeguarding cases at both the local and national level, as well as new child death review arrangements.</p>	<p>Paras 35- 39 All this follows reports having been made to the Local Authority and should supplement the introduction of well designed mandatory reporting because they are post referral improvements. If the data from the Children’s Commission for England is correct, all possible improvements in inter-agency working post-referral can only improve matters for the one eighth of abused children that come to the attention of the agencies.</p> <p>The Home Office has side-stepped the key issue of staff making referrals out of the Regulated Activity to the Local Authority for independent assessment. Requiring, supporting and legally protecting staff to make such referrals is mentioned nowhere in this document.</p>

<p>36. In support, a public consultation was launched last autumn on the related secondary legislation and revised statutory guidance (<i>Working Together to Safeguard Children</i>) which closed on 31 December 2017. We are preparing for formal commencement of the new arrangements, and publication of the updated guidance later in 2018.</p>	<p>Again – all grounded on ‘discretionary reporting’ of suspected and known abuse by Regulated Activities. This failed arrangement led to IICSA. It’s a cosmetic proposal that can deliver no change in Regulated Activities.</p>
<p>37. Tackling the barriers to information sharing, including considering legislative improvements to support more effective information sharing for safeguarding purposes between practitioners. We will also look again at the Government’s information sharing practice guidance to examine what more can be done to break down common barriers to sharing information. We will also look to strengthen the forthcoming update of the NHS Confidentiality Code to make it clear when information about vulnerable children and young people should be shared.</p>	<p>Para’s 37-39: Information can only be shared once it has become available. In the case of seven eights of abused children, it isn’t.</p>
<p>38. Supporting the Child Protection Information Sharing project. This NHS Digital-led IT system links information on looked after children and children on child protection plans between local authorities and unscheduled health settings (such as emergency departments or walk-in centres), in order to help practitioners make decisions about how to keep children safe. We are investing in an accelerator fund to support local authorities and health settings to implement the system.</p>	

<p>39. Expanding and strengthening the information sharing requirements in <i>Working Together to Safeguard Children</i>. As part of our revisions we have strengthened and consolidated existing guidance for practitioners on sharing information, including the guidance for practitioners on referring concerns to local authority children’s social care. The guidance, incorporated from practice guidance now into statutory guidance, makes clear that where there are concerns about the safety and welfare of children all practitioners should share information without hesitation or concern for their individual or organisational reputation. <i>Working Together</i> is now also clear that action should be taken by employers against practitioners whose conduct and/or practice falls below acceptable standards.</p>	
<p>To improve practice and decision-making, we are:</p>	

<p>40. Improving the skills and confidence of practitioners so that they can better safeguard and promote the welfare of children. A national assessment and accreditation system for social work will introduce a new practice-focused assessment to establish the knowledge and skills that child and family social workers need. Amongst other social work workforce reforms set out in our <i>Putting Children First</i> paper⁴, we are establishing through provisions in the Children and Social Work Act 2017, a new specialist regulator for social workers in England. Over time, the regulator, Social Work England, will drive up standards in social work education, training and practice and operate a quality assurance system for continuous professional development ensuring all social workers remain fit to practice. We will also consider how statutory guidance supporting the new multi-agency safeguarding arrangements could support the provision of effective multi-agency safeguarding training within local areas. Separately, we are also committed to improving training for the police and health service providers in the context of tackling child sexual abuse. The Home Office has made £1.9m available to the College of Policing to deliver a package of specialist training for vulnerability, essentially introducing a 'licence to practise' regime.</p>	<p>There is a mistaken belief that education alone will transform safeguarding practice and delivery.</p> <p>This is mostly a post referral matter and should <i>accompany</i> the introduction of Mandatory Reporting, not be treated as an alternative to it.</p>
<p>41. Increasing accountability in the child protection system. We have put in place a new system of joint targeted area inspections by Ofsted, the Care Quality Commission, HMI Constabulary and HMI Probation, as part of strengthening local authority children's services inspections more widely.</p>	<p>There is no statutory accountability in child protection. It is notable that this response does not tell us what Government thinks exists. Inspection does not provide it. Improved inspections of LA children's services departments will do nothing for the children who are being abused and who have not come to the attention of the statutory authorities for any number of reasons with which we are all too familiar.</p>

⁴ <https://www.gov.uk/government/publications/putting-children-first-our-vision-for-childrens-social-care>

<p>42. Introducing a new Child Safeguarding Practice Review Panel. Implementing the changes in the Children and Social Work Act 2017, a new system of national and local reviews will create a national framework for considering the lessons of the tragic events where a child is seriously harmed or dies. Despite changes to improve serious case reviews over a number of years, a systemic suspicion persists that their main purpose is to apportion blame. The new system of child safeguarding practice reviews will be supported by tighter regulation and guidance. This will lead to a national learning framework predicated on high quality, published, local and national learning inquiries, with the clear purpose of identifying improvements both locally and nationally.</p>	<p>A post referral matter which should accompany the introduction of Mandated Reporting.</p>
<p>43. Building our knowledge of best practice in child protection. We have a comprehensive programme of work which by 2020 will create a new national learning system for children’s social care. This will see the strengthening of the evidence base via the Children’ Social Care Innovation Programme and Partners in Practice, along with practice improvements identified through a new Child Safeguarding Practice Review Panel and a What Works Centre for Children’s Social Care. We also need to do more to properly understand the nature of child sexual abuse and how best to address it. To this end, we launched a new Centre of Expertise on Child Sexual Abuse with £7.5m of long term funding, which aims to identify, generate and share high quality evidence of what works to prevent and tackle child sexual abuse and exploitation to inform policy and practice.</p>	<p>Should accompany the introduction of Mandated Reporting.</p>

<p>44. Delivering a focused programme of reforms to tackle child sexual abuse. In February 2017, the Government published its <i>Tackling Child Sexual Exploitation: Progress Report</i> and announced a £40m package of measures to protect children and young people from sexual abuse, exploitation and trafficking and to bring offenders to justice.</p>	<p>Little to do with Amendment 43 on which the consultation was promised by Government.</p>
<p>45. We have prioritised child sexual abuse as a national policing threat and are investing in specialist policing capability to ensure children are better protected. We provided significant extra investment to transform the police approach to child sexual exploitation (CSE), through our Police Transformation Fund, and the National Crime Agency has also received additional funding which will help it to tackle online child sexual exploitation even more effectively. The NCA's CEOP Command leads the law enforcement response to online child sexual exploitation and abuse and works with law enforcement agencies in the UK and overseas, to identify victims and pursue offenders engaged in grooming children on the internet. Specifically, £20 million has been provided to help combat child sexual exploitation and significantly increase our capability to target the online grooming of children.</p>	<p>Should accompany the introduction of Mandated Reporting.</p>
<p>46. The new Centre of Expertise on Child Sexual Abuse will also assess UK and international evidence on prevalence, responses and what works in tackling child sexual abuse and exploitation.</p>	<p>Should accompany the introduction of Mandated Reporting.</p>
<p>To ensure the action we are taking is effective and adequate, we are:</p>	

<p>47. Assessing whether the current legislative framework is able to deal appropriately with concerns about concealment of child abuse and neglect. As noted above, a small number of organisations that responded to the consultation suggested that a specific criminal offence in this area should be introduced. We will commit to scoping this issue fully and identify whether there are any gaps in the current statutory framework during the current Parliament, including working with representative organisations such as the NSPCC and the Office of the Children’s Commissioner. An appropriate offence would constitute the strongest response in terms of deterring and criminalising intentional cover-ups, such as those that advocates of mandatory reporting have pointed to in closed institutions. Such an offence may allow us to set a clearer bar in terms of targeting the most wilful and egregious behaviour. This may provide the strongest and most targeted response to address cases where child abuse is not reported due to a desire to protect personal position or institutional position.</p>	<p>The crime of concealment is not a useful measure. To prove the offence, it would be necessary first to prove that abuse has occurred, second that it was known (and not merely suspected) and third that there is intent to keep this knowledge from the authorities (as opposed to mere confusion as to legal obligations).</p> <p>The question of concealment won’t therefore even arise until abuse has come to light and won’t provide any significant incentive to reporting.</p> <p>Moreover, the NSPCC’s proposals concerning “closed institutions” are wholly misguided. They assume that children in these institutions are largely out of communication with their parents and are therefore more vulnerable. If this was ever an issue, it is no longer so in this age of internet and mobile phones.</p> <p>In any event, there are almost no cases of abuse where the inability of a child to communicate with his/her parents is a significant factor. It is not that children can’t disclose it is that they very often don’t disclose because of psychological manipulation and <i>social</i> isolation, which can occur anywhere.</p> <p>The NSPCC proposed to restrict an unworkable form of mandatory reporting to ‘closed’ institutions which affects only about 1% of the child population. Its reasons for believing MR to be effective in this context and no other are unexplained and implausible.</p>
<p>48. It should also be noted that the Independent Inquiry on Child Sexual Abuse (IICSA) is looking at a range of settings in which there may have been institutional failings and high-profile instances of child sexual abuse being covered up. The Inquiry is hearing evidence currently and will present its recommendations in due course, which we will use to inform our future considerations.</p>	<p>The IICSA has <i>already</i> heard significant quantities of evidence to the effect that senior people in a number of different organisations knew or suspected abuse but chose not to report it. No effort has been made by the government to bring in measures that would seek to change that behaviour. To the extent that it knows about this behaviour and chooses not to act, it is condoning the non-reporting of abuse.</p>

49. Continuing to monitor and evaluate the evidence.

Notwithstanding all of the arguments and existing evidence set out in this response, the Government remains committed to taking whatever action is necessary to protect the safety of every child. We recognise past failures where children have been let down, and the progress still needed to realise our vision of services which always deliver the support children need at the time they need it. It has been valuable to explore these issues and to give proposed new statutory measures thorough consideration. However it is evident that there is not generally a demand for this proposal from those working in the sector or more generally from those responding to our consultation. We have also considered the effectiveness of the proposal under an assumption that greater resources could be made available, for instance for more social workers working at the front door of social care, or to fund assessment of a greater number of children. Even approached this way, at the current time, the case for a mandatory reporting duty has not been made, but we will remain open-minded should an emerging body of evidence or a new policy landscape change that.

We would have more confidence in the Government's ability and willingness to monitor and evaluate further evidence had the government described the evidence on which its present conclusions have been based. But it has neglected to do so.

However, the government has implicitly made it clear that no further money would be made available to address the additional caseload that might occur had mandatory reporting been introduced and proved effective. This it seems is the true reason that mandatory reporting has been rejected.

<p>50. We will continue to evaluate whether our reform programme is having the intended impact once fully implemented, in addition to continuing to assess any new or different evidence on mandatory reporting. The new Child Safeguarding Practice Review Panel will identify consistent and systemic errors in how children are protected, including any recurring issues around reporting, and this will be valuable to our ongoing assessment. We will also in particular be interested to understand evidence emerging from the recent introduction of a mandatory reporting duty in Wales placed at an organisational level, and any other new international evidence, to consider whether this alters the conclusions we have drawn from the current evidence. The same applies to the mandatory reporting duty for female genital mutilation, which came into force in 2015, informed by monitoring the impact this has had in practice. If the evidence strongly suggested that a mandatory reporting duty was likely to improve outcomes for children, whether now or at a future time, the Government would not hesitate to act to make the reforms necessary.</p>	<p>The mandatory duty to report FGM is only applicable when FGM is already known (either by disclosure or by the existence of physical signs) to have occurred and the victim is still under the age of 18.</p> <p>This is quite different from the proposed mandatory reporting duty for child sexual abuse, where evidence of any variety that gives reasonable grounds for suspecting abuse is covered.</p> <p>Therefore, any figures concerning changes in reporting of FGM should not be regarded as a reliable indicator that similar changes would occur for mandatory reporting of child abuse. Refer to Australian data from NSW, Queensland and via research from Mathews.</p>
<p>Analysis of consultation responses</p>	
<p>The consultation approach</p>	
<p>51. On 21 July 2016, the Government launched a 12-week public consultation exercise to seek views on the key issues in the current system and whether to introduce new statutory measures focused on reporting and acting on child abuse and neglect, in addition to our ongoing programme of wide-ranging reforms.</p>	

<p>52. The consultation closed on 13 October 2016 and we received 768 responses. In addition, we held a roundtable meeting chaired by the then Parliamentary Under Secretary of State for Vulnerability, Safeguarding and Countering Extremism, Sarah Newton MP. The event was held in Rotherham and was attended by victim and survivor groups and key voluntary organisations. We are grateful to everyone who took the time to respond to the consultation and to provide their views on these critical issues.</p>	
<p>53. The majority of responses (609) were received via an online survey, with 97 survey responses received offline and another 62 submissions coming via email or post. Responses were received from a wide range of sources, representing different interests and perspectives. This included responses from organisations representing practitioners and others in the local government, education, early years and healthcare sectors, as well as responses from the police, children's charities, survivors' groups and members of the public. A list of organisations which responded can be found at Annex B.</p>	
<p>Summary of responses and main findings</p>	
<p>54. The headline question in the consultation asked which of the following three options was most preferable:</p>	
<ul style="list-style-type: none"> • allowing the package of reform measures focused on improving how the whole system responds to child abuse and neglect to be implemented before considering the introduction of additional statutory measures; 	
<ul style="list-style-type: none"> • the introduction of a duty to act, focused on taking appropriate action in relation to child abuse and neglect, with sanctions for deliberate and reckless failures; or 	

<ul style="list-style-type: none"> the introduction of a mandatory reporting duty focused on increasing the reporting of child abuse and neglect. 	<p>The option of rejecting the mandatory reporting proposal as <i>made by the government</i>, but adopting instead the proposal as <i>described in Amendment 43</i> was not even considered.</p>
<p>55. The majority of respondents to the consultation (63%) were in favour of allowing the Government's existing programme of reforms time to be implemented. Only a quarter of respondents (25%) favoured introducing a duty to act, with less than half of that number (12%) favouring the introduction of mandatory reporting.</p>	
<p>56. The consultation asked for feedback on the key issues within the current child protection system. The areas where respondents thought that improvement was most needed was in better <u>joint working</u> between different local agencies (93%), further work to encourage <u>new and innovative practice</u> (85%) and better <u>training for practitioners</u> (81%).</p>	<p>This ignores the fact that (according to the children's commissioner) most abuse never comes to the attention of the local agencies and is therefore unaffected by changes in their operation.</p>
<p>57. The majority of respondents (51%) agreed that a duty to act would have an adverse impact on the child protection system (e.g. impacting recruitment and retention of staff, and negatively impacting the serious case review process). A quarter of respondents (25%) were attracted to the idea of the duty to act. Two-thirds of respondents (67%) agreed that a duty to act would strengthen accountability in the system. Over half of respondents (57%) agreed that it would be more likely to improve outcomes for children than a duty focused solely on reporting. A number of respondents suggested that further consultation would be required should such a duty be developed in future.</p>	

<p>58. Respondents were more concerned about the potential negative impact of introducing a mandatory reporting regime. Over two-thirds of respondents (68%) agreed that such a duty would have an adverse impact on the child protection system (e.g. impacting recruitment and retention of staff, and negatively impacting the serious case review process). Eighty-five percent (85%) of respondents agreed that mandatory reporting would not ensure that appropriate action would be taken to protect children. Just over two-thirds of respondents (70%) agreed that a statutory mandatory reporting duty would generate more child abuse and neglect reports, but a similar proportion of respondents (66%) agreed that it could divert attention from the most serious child abuse and neglect cases.</p>	<p>The reason there was so much negative response to the mandatory reporting proposal is that it was mischievously launched by Government, badly designed and targeted the wrong people. Social workers were quite inappropriately included on the consultation proposal, since in a well-designed system, they would be the recipients of reports from others rather than subject to the duty themselves. Because of this flaw (among others) the mandatory reporting proposal in the consultation was designed to be rejected.</p>
<p>59. A small number of respondents to the consultation argued in favour of different forms of mandatory reporting based on reporting within 'closed institutions' or 'regulated activities'. These models, their rationale and the issues associated with them were described in annex B of the consultation materials.</p>	
<p>60. A small number of respondents raised the idea of a concealment offence in relation to child abuse and neglect. They felt this might address scenarios where there is a conflict between reporting and the potential reputational damage to an institution.</p>	<p>Such a duty would only have an effect only if there was a reasonable chance that concealment could be detected and prosecuted and a conviction obtained. The chance of that happening is exceedingly remote.</p>
<p>61. Additional recent research evidence not included within the summary of research in the consultation materials was also submitted through the consultation process, as requested within the consultation document itself.⁵ In formulating the Government response, all such material has been considered carefully.</p>	<p>See Para 3 commentary on the research of Professor Mathews.</p>
<p>Expanded analysis of results</p>	

⁵ References at annex C.

<p>62. Of those who responded to the consultation, 337 self-reported their professional sector. Those who responded by letter or email and who did not report their professional sector, were assigned one on the basis of other information in their response, wherever possible. The highest proportion of responses were from the education sector (18%) and the health sector (14%) A full breakdown of responses by sector is below.</p>	
<p>63. While all responses have been considered carefully, we have not attempted to include in this document every point raised by respondents.</p>	
<p>64. Unless otherwise stated, the percentages reported are based on the number of people responding to each question, rather than the number of people responding to the consultation as a whole. Percentages have been rounded to the nearest whole number.</p>	
<p>65. The consultation adheres to the consultation principles issued by the Cabinet Office in July 2012 and updated in January 2016.</p>	
<p>66. Questions 1–3 asked for information about each respondent (whether an individual or an organisation, name of organisation and sector). These three questions were introduced to the online survey response tool after the consultation had been launched. In effect, this meant that the first 47 online respondents did not address these questions. Looking across all the questions, the main categories of respondent were from the education, health and local authority sectors. To avoid repetition, we have not provided separate breakdowns by sector for every question.</p>	
<p>Questions 1–3 Information about each respondent:</p>	

Category	Number of respondents	Percentage
Unspecified	272	35%
Education sector	137	18%
Health sector	111	14%
Local authority services	69	9%
A member of the public	51	7%
Voluntary sector	30	4%
Children's social care	27	4%
Other	23	3%
Early years sector	16	2%
Criminal justice sector	11	1%
Policing	11	1%
Adult social care	7	1%
Fire service	3	<1%
Total responses:	768	100%

67. Questions 4–20 related to the issues discussed in the consultation paper. We have not been able to report on two of those questions: question 17 which asked where accountability should rest for any new statutory measure, and question 18 which asked what type of sanction there should be for any new statutory measure. This is because some respondents chose more than one of the options provided, which made it impossible to categorise the responses to this question accurately.

68. This section sets out an analysis of the responses we received.

<h2>Current child protection system</h2>																																											
<p>69. The consultation paper set out how the current child protection system operates and sought views about where the main issues with the current system lie.</p>																																											
<p>Question 4: To what extent do you agree or disagree with the following statements about the current child protection system?</p> <table border="1"> <caption>Approximate data from the stacked bar chart</caption> <thead> <tr> <th>Statement</th> <th>Strongly Agree</th> <th>Agree</th> <th>Neither agree nor disagree</th> <th>Disagree</th> <th>Strongly Disagree</th> <th>Don't know</th> </tr> </thead> <tbody> <tr> <td>1. Child protection training for practitioners should be improved so that they are better qualified and able to provide the right help at the right time to keep children safe</td> <td>45%</td> <td>35%</td> <td>15%</td> <td>5%</td> <td>0%</td> <td>0%</td> </tr> <tr> <td>2. More needs to be done within the child protection system to encourage new and innovative systems to better protect children</td> <td>45%</td> <td>35%</td> <td>15%</td> <td>5%</td> <td>0%</td> <td>0%</td> </tr> <tr> <td>3. Organisations with child protection responsibilities need to work better together</td> <td>55%</td> <td>30%</td> <td>10%</td> <td>5%</td> <td>0%</td> <td>0%</td> </tr> <tr> <td>4. Practitioners and organisations with child protection responsibilities sometimes recklessly fail to take proper action (including reporting) to stop or prevent child abuse and neglect</td> <td>10%</td> <td>20%</td> <td>20%</td> <td>20%</td> <td>20%</td> <td>10%</td> </tr> <tr> <td>5. Child abuse and neglect is generally underreported by practitioners involved in children's lives</td> <td>10%</td> <td>15%</td> <td>25%</td> <td>30%</td> <td>15%</td> <td>5%</td> </tr> </tbody> </table>	Statement	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know	1. Child protection training for practitioners should be improved so that they are better qualified and able to provide the right help at the right time to keep children safe	45%	35%	15%	5%	0%	0%	2. More needs to be done within the child protection system to encourage new and innovative systems to better protect children	45%	35%	15%	5%	0%	0%	3. Organisations with child protection responsibilities need to work better together	55%	30%	10%	5%	0%	0%	4. Practitioners and organisations with child protection responsibilities sometimes recklessly fail to take proper action (including reporting) to stop or prevent child abuse and neglect	10%	20%	20%	20%	20%	10%	5. Child abuse and neglect is generally underreported by practitioners involved in children's lives	10%	15%	25%	30%	15%	5%	
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4. Practitioners and organisations with child protection responsibilities sometimes recklessly fail to take proper action (including reporting) to stop or prevent child abuse and neglect	10%	20%	20%	20%	20%	10%																																					
5. Child abuse and neglect is generally underreported by practitioners involved in children's lives	10%	15%	25%	30%	15%	5%																																					
<p>1. Child protection training for practitioners should be improved so that they are better qualified and able to</p>																																											
<p>provide the right help at the right time to keep children safe</p>																																											
<p>2. More needs to be done within the child protection system to encourage new and innovative systems to better protect children</p>																																											
<p>3. Organisations with child protection responsibilities need to work better together</p>																																											
<p>4. Practitioners and organisations with child protection responsibilities</p>																																											

Reporting and acting on child abuse and neglect Summary of consultation responses and Government action

sometimes recklessly fail to take proper										
action (including reporting) to stop or prevent child abuse and neglect										
5. Child abuse and neglect is generally underreported by practitioners involved in children's lives										
0% 20% 40% 60% 80% 100%										
Response	Q 4.1		Q 4.2		Q 4.3		Q 4.4		Q 4.5	
Strongly agree	311	46%	303	44%	374	55%	83	12%	70	10%
Agree	239	35%	280	41%	260	38%	162	24%	125	18%
Neither agree nor disagree	85	12%	71	10%	37	5%	139	21%	165	24%
Disagree	42	6%	23	3%	8	1%	148	22%	207	31%
Strongly disagree	4	1%	1	<1%	0	0%	112	17%	68	10%
Don't know	2	<1%	6	1%	2	<1%	30	4%	42	6%
Total responses:	683	100%	684	100%	681	100%	674	100%	677	100%
70. Some clear views were identified by respondents who answered this question. 93% agreed with the statement that organisations with child protection responsibilities need to work better together. 85% agreed with the statement that more needs to be done to encourage new and innovative systems to better protect children and 81% agreed with the statement that there needs to be better training for practitioners.						Saying that these things are a good idea offers no suggestions as to how to bring more abused children to the attention of children's services.				

<p>71. More respondents (41%) disagreed with the statement that child abuse and neglect are generally under-reported by practitioners, than those who agreed with it (28%). A greater number of respondents (39%) also disagreed with the statement that practitioners and organisations with child protection responsibilities sometimes recklessly fail to take proper action (including reporting) to stop or prevent child abuse or neglect, than those who agreed with it (36%).</p>	<p>The balance of opinion among respondents is utterly irrelevant. What matters is solid quantitative research. The quantitative research that exists indicates that abuse is under-reported by Regulated Activities. Whether the respondents who disagreed did so out of ignorance or out of an unwillingness to face the evidence is unknown. That the government has chosen to base its decision on the balance of opinion rather than evidence is culpable.</p>
<p>Other measures that could be introduced</p>	
<p>Mandatory Reporting</p>	
<p>72. The consultation paper sought views on the possible introduction of a statutory mandatory reporting duty, which would require specified practitioners or organisations to report child abuse or neglect if they knew or had reasonable cause to suspect it was taking place, with sanctions for failure to report. The consultation paper provided information on how mandatory reporting operates in other countries and how a system might be implemented in England. Respondents were asked for their views on a series of statements about the benefits and risks of mandatory reporting.</p>	

Question 5: To what extent do you agree or disagree with the following statements?	
<p>1. Mandatory reporting will generate more reports of suspected and known cases of child abuse and neglect</p> <p>2. Increased reporting may divert attention from the most serious child abuse and neglect cases</p> <p>3. Increased reporting could mean that abuse and neglect would be captured at an early point in a child's life</p> <p>4. Mandatory reporting could have an adverse impact on the child protection system (eg impacting recruitment and retention of staff, creating a culture of reporting rather than acting, negatively impacting the serious case review process)</p> <p>5. Mandatory reporting could dissuade victims from disclosing incidents of abuse and reduce 'safe spaces' for children</p> <p>6. Mandatory reporting could lead to greater prevention and awareness of abuse and neglect</p> <p>7. The introduction of a mandatory reporting duty would not in itself mean that appropriate action would be taken to protect children</p> <p>8. Mandatory reporting duty would ensure that those best placed to make judgements about whether abuse or neglect is happening – ie social workers – do so</p>	
1. Mandatory reporting will generate more reports of suspected and known cases of child abuse and neglect	
2. Increased reporting may divert attention from the most serious child abuse and neglect cases	
3. Increased reporting could mean that abuse and neglect would be captured at an early point in a child's life	
4. Mandatory reporting could have an adverse impact on the child protection system (eg impacting recruitment and retention of staff, creating a culture of reporting rather than acting, negatively impacting the serious case review process)	

5. Mandatory reporting could dissuade victims from disclosing incidents of abuse and reduce 'safe spaces' for children																
6. Mandatory reporting could lead to greater prevention and awareness of abuse and neglect																
7. The introduction of a mandatory reporting duty would not in itself mean that appropriate action would be taken to protect children																
8. Mandatory reporting duty would ensure that those best placed to make judgements about whether abuse or neglect is happening – ie social workers – do so																
0% 20% 40% 60% 80%																
Response	Q 5.1		Q 5.2		Q 5.3		Q 5.4		Q 5.5		Q 5.6		Q 5.7		Q 5.8	
Strongly Agree	183	27%	195	28%	122	18%	247	36%	158	23%	114	17%	278	41%	87	13%
Agree	296	43%	259	38%	290	43%	222	32%	211	31%	213	32%	301	44%	182	27%
Neither agree nor disagree	105	15%	82	12%	145	21%	78	11%	124	18%	154	23%	53	8%	130	19%
Disagree	68	10%	110	16%	92	14%	93	14%	142	21%	140	21%	33	5%	182	27%
Strongly Disagree	21	3%	29	4%	18	3%	29	4%	31	5%	42	6%	9	1%	82	12%
Don't know	9	1%	11	2%	14	2%	16	2%	14	2%	12	2%	9	1%	12	2%
Total responses:	682	100%	686	100%	681	100%	685	100%	680	100%	675	100%	683	100%	675	100%

<p>73. A majority of respondents who answered this question agreed with the statement that mandatory reporting would generate more reports of suspected and known cases of child abuse and neglect (70%), and 61% agreed with the statement that increased reporting could mean that abuse and neglect would be captured at an early point in a child's life. 40% agreed with the statement that mandatory reporting would ensure that those best placed to make judgements about whether abuse or neglect is happening do so, and 39% disagreed.</p>	
<p>74. Significant concerns were identified about a mandatory reporting duty. 66% agreed with the statement that increased reporting might divert attention from the most serious child abuse and neglect cases and 54% agreed with the statement that mandatory reporting could dissuade victims from disclosing incidents of abuse and reduce 'safe spaces' for children. 49% agreed with the statement that mandatory reporting could lead to greater prevention and awareness of abuse and neglect, and 27% disagreed.</p>	
<p>75. 68% agreed with the statement that mandatory reporting could have an adverse impact on the child protection system. 85% agreed with the statement that mandatory reporting would not in itself mean that appropriate action would be taken to protect children.</p>	
<p>76. These concerns were reflected in answers to the next question, which asked respondents the extent to which they thought mandatory reporting would improve outcomes for children.</p>	
<p>Question 6: To what extent do you agree that the introduction of a mandatory reporting duty would directly improve outcomes for children?</p>	

Response	Number of respondents	Percentage	
Strongly Agree	84	13%	Given how deliberately bad the mandatory reporting proposal was in the consultation, it is surprising that as many as 35% responded positively.
Agree	146	22%	
Neither agree nor disagree	131	20%	
Disagree	183	28%	
Strongly Disagree	109	17%	
Total responses:	653	100%	
77. While 35% of respondents agreed that mandatory reporting would directly improve outcomes for children, there was a larger proportion (45%) who disagreed. Respondents were then invited to outline any other benefits, risks or issues in relation to mandatory reporting which had not been identified in the consultation paper.			
Question 7: Please outline any risks or benefits regarding the introduction of a mandatory reporting duty that haven't been articulated in the consultation.			

Key word		Number responses	of	Percentage
Risks	Over reporting	175		41%
	Resource pressures	123		29%
	Detract from taking action	75		17%
	Staff Morale	55		13%
	Reduced disclosure from victims and abusers	53		12%
	Increased training burden	29		7%
	Would require culture change	29		7%
	Deter offenders from seeking help	17		4%
Benefits	Increased reporting	34		8%
	Increased confidence	15		3%
	Better training	11		3%
	Better protection for professionals	9		2%
	Increase resources	7		2%
Other	62		14%	
Not Relevant	15		3%	
Thresholds would need to be clear	10		2%	
Better information sharing needed	5		1%	
Single reporting system needed	3		1%	

Table note.

Over-reporting is only a risk in a badly-designed system. All you need to do to achieve over-reporting is to make the mandatory reporting threshold unreasonably low, the penalty unreasonably severe, and make the duty to apply to those who will not receive accredited⁶ training in how to fulfil the duty (e.g. the general public).

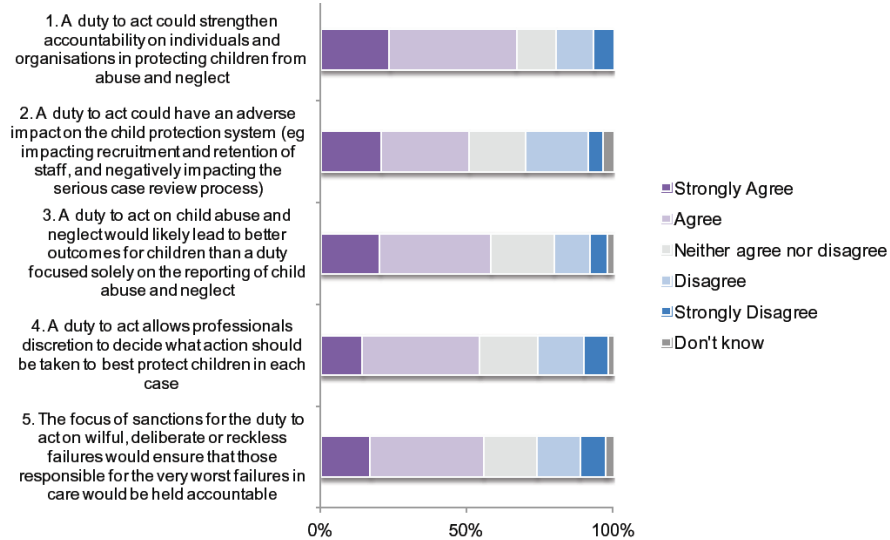
Resource pressures are inevitable if you are going to protect more children. The correct response to such resource pressures is to add more resources, not to prevent abused children from coming to the attention of the system. The Republic of Ireland appears to be coping well since mandatory reporting became operational in December 2017.

⁶ There is currently no safeguarding training accreditation scheme. Anyone can deliver it. Proposals to address this serious oversight exist in the Mandate Now submission to the consultation.

<p>Responses to this open question have been coded using content analysis and grouped into broad themes. There were 429 respondents to this question. Percentages are calculated by dividing the response count for each code by the number of respondents (429) and will not add up to 100%.</p>	
<p>78. The main benefit of mandatory reporting identified by respondents to this question was an increased level of reporting (8%).</p>	
<p>79. Respondents identified over-reporting as the main risk (41%), suggesting that mandatory reporting could overwhelm the child protection system. Connected to this, respondents were also concerned about the increased pressure on resources (29%). Another main risk identified was that a focus on reporting would replace the need for professionals to take effective action (17%).</p>	
<p>80. The views expressed in written submissions followed a similar pattern: increased reporting was seen as the biggest benefit, while the main risks were over-reporting, increased pressure on resources and concerns that a focus on reporting would detract from taking effective action.</p>	<p>If there are inadequate resources to address even the current caseload, then any increase in reporting will feel like over-reporting to those having to manage that caseload. The natural reaction to the prospect of such an increase is to deny the need for it, by refusing to accept the evidence that abuse is grossly under-reported at present.</p> <p>This is why decisions on mandatory reporting should not be taken on the basis of the percentage of respondents who are pro or anti, but rather on sound quantitative research as to the effects of the measure.</p>
<p>81. A number of written responses also suggested particular specific forms of mandatory reporting (in 'closed institutions' or 'regulated activities'), as noted in the summary of responses and main findings section. Some respondents to the consultation proposed an alternative definition of 'regulated activities' to the one outlined in the consultation materials, with an expanded and more detailed list of activities within scope.</p>	

Duty to act	
<p>82. The consultation sought views on the possible introduction of a statutory duty to act. The introduction of a duty to act would impose a legal requirement on specified groups, professionals or organisations to take appropriate action where they knew or suspected that a child was suffering, or was at risk of suffering, abuse or neglect. This option was developed following consideration of an extension of the existing wilful neglect offences, which currently apply in relation to healthcare and adult social care, to child abuse and neglect.</p>	
<p>83. Respondents were asked for their views on a series of statements about the benefits and risks of introducing a duty to act.</p>	

Question 8: To what extent do you agree or disagree with the following statements?



1. A duty to act could strengthen accountability on individuals and organisations in protecting children from abuse and neglect	
2. A duty to act could have an adverse impact on the child protection system (eg impacting recruitment and retention of staff, and negatively impacting the serious case review process)	
3. A duty to act on child abuse and neglect would likely lead to better outcomes for children than a duty focused solely on the reporting of child abuse and neglect	
4. A duty to act allows professionals discretion to decide what action should be taken to best protect children in each case	
5. The focus of sanctions for the duty to act on wilful, deliberate or reckless failures would ensure that those responsible for the very worst failures in care would be held accountable	

Response	Q 8.1		Q 8.2		Q 8.3		Q 8.4		Q 8.5	
Strongly Agree	160	24%	141	21%	137	20%	97	14%	114	17%
Agree	293	43%	205	30%	257	38%	273	40%	259	39%
Neither agree nor disagree	94	14%	132	19%	146	22%	135	20%	124	18%
Disagree	88	13%	147	22%	83	12%	107	16%	97	14%
Strongly Disagree	42	6%	35	5%	41	6%	57	8%	61	9%
Don't know	3	<1%	23	3%	14	2%	12	2%	17	3%
Total responses:	680	100%	683	100%	678	100%	681	100%	672	100%

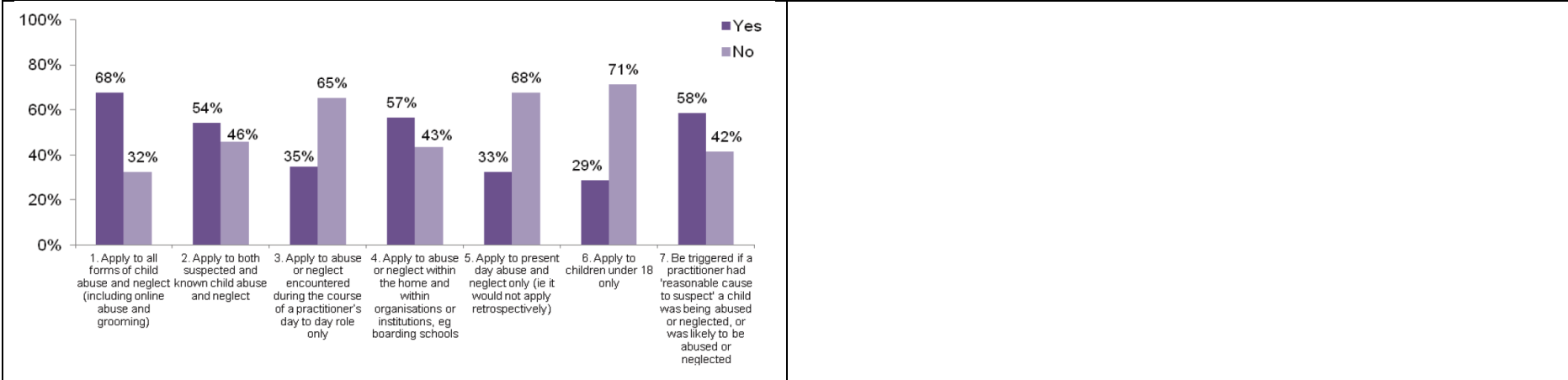
<p>84. 58% of respondents who answered this question agreed with the statement that a duty to act would likely lead to better outcomes for children than a duty focussed solely on the reporting of child abuse and neglect. A majority of respondents (54%) also agreed that a duty to act would allow professionals discretion to decide what action should be taken to best protect children in each case. Most of the respondents (56%) agreed that the focus of sanctions for breach of the duty to act on wilful, deliberate or reckless failures would ensure that those responsible for the very worst failures would be held accountable. The strongest result was in relation to accountability, where two thirds of respondents (67%) agreed that a duty to act could strengthen the accountability on individuals and organisations in protecting children from abuse and neglect.</p>	
<p>85. Less positively, 51% of respondents agreed with the statement that a duty to act could have an adverse impact on the child protection system (e.g., by impacting the recruitment and retention of staff, and negatively impacting the serious case review process).</p>	

<p>86. Respondents were then asked the extent to which they thought a duty to act would improve outcomes for children.</p>																						
<p>Question 9: To what extent do you agree that the introduction of a duty to act would directly improve outcomes for children?</p>																						
<table border="1"> <thead> <tr> <th data-bbox="136 331 568 411">Response</th> <th data-bbox="568 331 831 411">Number of respondents</th> <th data-bbox="831 331 1025 411">Percentage</th> </tr> </thead> <tbody> <tr> <td data-bbox="136 411 568 459">Strongly Agree</td> <td data-bbox="568 411 831 459">113</td> <td data-bbox="831 411 1025 459">17%</td> </tr> <tr> <td data-bbox="136 459 568 507">Agree</td> <td data-bbox="568 459 831 507">213</td> <td data-bbox="831 459 1025 507">32%</td> </tr> <tr> <td data-bbox="136 507 568 555">Neither agree nor disagree</td> <td data-bbox="568 507 831 555">147</td> <td data-bbox="831 507 1025 555">22%</td> </tr> <tr> <td data-bbox="136 555 568 603">Disagree</td> <td data-bbox="568 555 831 603">104</td> <td data-bbox="831 555 1025 603">16%</td> </tr> <tr> <td data-bbox="136 603 568 651">Strongly Disagree</td> <td data-bbox="568 603 831 651">81</td> <td data-bbox="831 603 1025 651">12%</td> </tr> <tr> <td data-bbox="136 651 568 707">Total responses:</td> <td data-bbox="568 651 831 707">658</td> <td data-bbox="831 651 1025 707">100%</td> </tr> </tbody> </table>	Response	Number of respondents	Percentage	Strongly Agree	113	17%	Agree	213	32%	Neither agree nor disagree	147	22%	Disagree	104	16%	Strongly Disagree	81	12%	Total responses:	658	100%	
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Disagree	104	16%																				
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Total responses:	658	100%																				
<p>87. Of those respondents who answered this question, nearly half (49%) agreed with the statement that a duty to act would directly improve outcomes for children. 28% of respondents disagreed and 22% neither agreed nor disagreed.</p>																						
<p>88. Respondents were invited to outline any other benefits, risks and issues in relation to a duty to act which had not been identified in the consultation paper.</p>																						
<p>Question 10: Please outline any risks or benefits regarding the introduction of a duty to act that haven't been articulated in the consultation.</p>																						

Key word		Number responses	of Percent age
Risks	Complicated judgements involved	72	23%
	Resource pressures	68	21%
	Fear of being reported for not acting	52	16%
	Impact on staff morale	42	13%
	Poor management of children's social care	18	6%
	Timing of intervention important	15	5%
	Increased intrusion into families	6	2%
	Risk from duty being discretionary	4	1%
Benefits	Processes would be safer and more robust	25	8%
	Improved professional standards	16	5%
Other		55	17%
Not relevant		19	6%
Training/guidance		11	3%
Definitions and clarifications of thresholds needed		9	3%
Table note.			
Base: 318 responses to this question. Note: percentages are calculated by dividing the response count for each code by the number of respondents (318) and will not add up to 100%.			
89. Respondents suggested that the main benefit of a duty to act would be safer, more robust processes (8%).			

<p>90. The main additional risks identified by respondents were that a duty to act would not recognise the complicated judgements required by practitioners (23%) and that it would increase pressure on resources (21%).</p>	
<p>91. The written submissions we received identified the main benefits as improved professional standards as well as safer, more robust processes. The main risks were that a duty to act would not recognise the complicated judgements required by practitioners and a fear of being reported for not acting.</p>	
<p>Respondents' preferred approach</p>	
<p>92. Having considered all the issues and previous questions, respondents were asked to express a preference between the three approaches set out in the consultation:</p>	
<ul style="list-style-type: none"> • allow the ongoing package of reform to be implemented before considering the introduction of additional statutory measures; • introduction of a mandatory reporting duty; or 	
<ul style="list-style-type: none"> • introduction of a duty to act. 	
<p>Question 11: Having considered the issues outlined in the consultation and your answers above, which of the following would be most preferable?</p>	

Response	Number of respondents	Percentage
Allowing the package of reform measures focused on improving how the whole system responds to child abuse and neglect to be implemented before considering the introduction of additional statutory measures	457	63%
The introduction of a mandatory reporting duty focused on increasing the reporting of child abuse and neglect	85	12%
The introduction of a duty to act, focused on taking appropriate action in relation to child abuse and neglect, with sanctions for deliberate and reckless failures	182	25%
Total responses:	724	100%
Table note.		
For this question only, responses to the online and offline survey have been combined with the written submissions to provide an overall picture to the main question.		
93. Responses to this question produced a clear majority of 63% of respondents preferring the option of allowing the existing Government reform programme time to be implemented before considering additional statutory measures of the type outlined in the consultation. Of respondents who provided information about their professional sector, the largest categories of responder supporting this option were from the education, health and local authority sectors.		
94. Just over a quarter of respondents (25%) preferred the introduction of a duty to act. The largest categories of responder supporting this option were from the education sector, members of the public and the health sector.		

<p>95. Only 12% of respondents supported the introduction of mandatory reporting. The largest categories of responder preferring this option were from the education sector, health sector and members of the public.</p>																									
<p>Scope, accountability and sanctions</p>																									
<p>96. The consultation considered issues relating to the scope, accountability and sanctions which would apply to either mandatory reporting or a duty to act, in the event that one of them was introduced.</p>																									
<p>97. Respondents were asked for views on a range of issues relating to aspects of child abuse and neglect that a new duty might cover.</p>																									
<p>Question 12: If a new statutory measure is introduced, do you agree with the following elements of the proposed scope?</p>																									
 <table border="1"> <caption>Data for Question 12: If a new statutory measure is introduced, do you agree with the following elements of the proposed scope?</caption> <thead> <tr> <th>Element</th> <th>Yes (%)</th> <th>No (%)</th> </tr> </thead> <tbody> <tr> <td>1. Apply to all forms of child abuse and neglect (including online abuse and grooming)</td> <td>68%</td> <td>32%</td> </tr> <tr> <td>2. Apply to both suspected and known child abuse and neglect</td> <td>54%</td> <td>46%</td> </tr> <tr> <td>3. Apply to abuse or neglect encountered during the course of a practitioner's day to day role only</td> <td>35%</td> <td>65%</td> </tr> <tr> <td>4. Apply to abuse or neglect within the home and within organisations or institutions, eg boarding schools</td> <td>57%</td> <td>43%</td> </tr> <tr> <td>5. Apply to present day abuse and neglect only (ie it would not apply retrospectively)</td> <td>33%</td> <td>68%</td> </tr> <tr> <td>6. Apply to children under 18 only</td> <td>29%</td> <td>71%</td> </tr> <tr> <td>7. Be triggered if a practitioner had 'reasonable cause to suspect' a child was being abused or neglected, or was likely to be abused or neglected</td> <td>58%</td> <td>42%</td> </tr> </tbody> </table>		Element	Yes (%)	No (%)	1. Apply to all forms of child abuse and neglect (including online abuse and grooming)	68%	32%	2. Apply to both suspected and known child abuse and neglect	54%	46%	3. Apply to abuse or neglect encountered during the course of a practitioner's day to day role only	35%	65%	4. Apply to abuse or neglect within the home and within organisations or institutions, eg boarding schools	57%	43%	5. Apply to present day abuse and neglect only (ie it would not apply retrospectively)	33%	68%	6. Apply to children under 18 only	29%	71%	7. Be triggered if a practitioner had 'reasonable cause to suspect' a child was being abused or neglected, or was likely to be abused or neglected	58%	42%
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<p>98. A clear majority of respondents who answered this question (68%) agreed that any new statutory duty should apply to all forms of child abuse and neglect (including online abuse and grooming), 71% disagreed that a new duty should apply to children under 18 only and 68% disagreed that it should apply to present day abuse and neglect only. 65% disagreed that it should apply to abuse and neglect encountered during the course of a practitioner's day to day role only.</p>	
<p>99. Views were more balanced in respect of the remaining statements. 54% agreed that any new duty should apply to both suspected and known child abuse and neglect; 57% agreed that a new duty should apply to abuse or neglect within the home and within organisations or institutions (e.g. boarding schools); and 58% agreed that it should be triggered if a practitioner had 'reasonable cause to suspect' a child was being abused or neglected, or was likely to be abused or neglected.</p>	
<p>100. The consultation then invited respondents to provide any further information on the proposed scope of the duties.</p>	
<p>Question 13: Are there aspects of the proposed scope that you disagree with, or you would like to provide further information to support your answer to question 12?</p>	

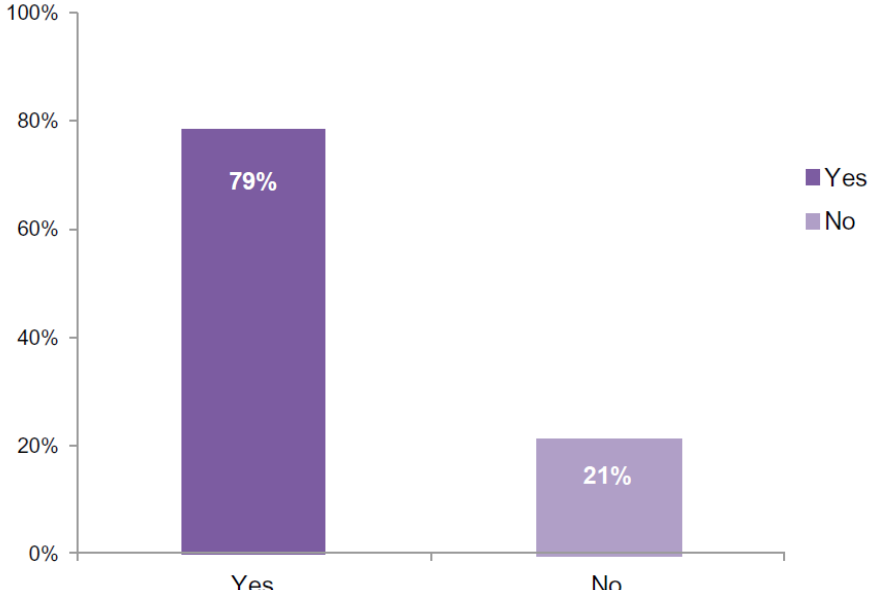
Key word		Count	Percentage
Too wide	Measures won't be effective/detract from actions	16	8%
	Suspected abuse too broad	16	8%
	Clearer definition/scope needed	12	6%
	Don't include all vulnerable adults/all roles	7	4%
	Existing legal framework/arrangements satisfactory	6	3%
	Will affect morale/deter practitioners	4	2%
	Not historic abuse	4	2%
	Limit to when professionals are on duty	1	1%
Not wide enough	Wider age range	28	15%
	Should cover historic abuse	16	8%
	Extend to wider age range/care leavers/other roles	12	6%
	Apply to all professions with frequent contact with children	12	6%
	Extend to other abuse/risks	6	3%
	Wider time scope	5	3%
	Apply to youth organisations	4	2%
	Should apply to all staff within an organisation covered by duty	4	2%
	Apply to religious institutions	2	1%
Not relevant	38	20%	
Other	14	7%	
Need better information sharing/record keeping	3	2%	
Table note.			
Base: 192 total respondents. Percentages are calculated by dividing the response count for each code by the number of respondents (192) and will not add up to 100%.			

<p>101. Responses to this question were split on whether the suggested scope of a new duty was too wide or not wide enough. 8% commented that it should not cover suspicion of abuse or neglect, feeling that evidence would be needed. Of those respondents who felt that the suggested scope was not wide enough, 15% thought that a new duty should cover a wider age range than just children aged under 18 and 8% felt it should cover historic abuse.</p>	
<p>102. The main themes from the written submissions we received were that the scope of any new duty should not extend to adults but that any new duty should cover all professions.</p>	
<p>103. Where respondents felt that any new statutory measure should extend to adults, they were invited to provide further information, taking into account the existing wilful neglect offence.</p>	
<p>Question 14: If you believe new statutory measures should extend to adults, please provide further information, taking into account the existing wilful neglect offence.</p>	

Key word	Number of responses	Percentage
Vulnerable adults	100	47%
0–25 disabled/SEN	30	14%
Should not apply to adults	22	10%
All vulnerable groups	22	10%
Not relevant	18	8%
Other	8	4%
More research/consideration needed	7	3%
Key word	Number of responses	Percentage
Historic adult reports	6	3%
Other forms of abuse	6	3%
Extend wilful neglect	3	1%
In care	3	1%
Care leavers	3	1%

Table note.
Base: 213 respondents for this question. Percentages are calculated by dividing the response count for each code by the number of respondents (213) and will not add up to 100%.

104. Nearly half of respondents who answered this question (47%) felt that any new duty should cover vulnerable adults as well as children and 10% of respondents felt it should extend to all vulnerable groups. 14% thought it should cover children and young people aged 0–25 who have special educational needs or disabilities.

<p>105. The consultation paper suggested that any new duty should apply to all practitioners or organisations who undertake activities which bring them into close and frequent contact with children because they are well placed to recognise risk factors, triggers of concern and signs of abuse or neglect. The consultation paper sought respondents' views on whether these activities or others should be included if a new statutory duty were to be introduced.</p>							
<p>Question 15: Should the proposed activities outlined in the consultation be included if a new statutory measure were to be introduced?</p>							
 <table border="1"> <caption>Survey Results for Question 15</caption> <thead> <tr> <th>Response</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Yes</td> <td>79%</td> </tr> <tr> <td>No</td> <td>21%</td> </tr> </tbody> </table>	Response	Percentage	Yes	79%	No	21%	
Response	Percentage						
Yes	79%						
No	21%						
<p>106. A clear majority of respondents to this question (79%) agreed that any new duty should apply to the activities set out in the consultation paper.</p>							

107. The consultation paper went on to invite further views on what activities should be covered by any new duty.																																	
Question 16: Please provide your views, noting if any activities listed should be removed, and if there any other activities that should be included.																																	
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108. There was a wide range of suggestions in response to this question but those with the largest support were to add safeguarding roles (22%), the voluntary sector (21%) and religious institutions (19%).																																	

<p>109. Respondents were invited to provide any further information about the reasons for their answers to the above questions on scope, accountability and sanctions.</p>	
<p>Question 19: Please provide further information about the reasons for your answers to the above questions on scope, accountability and sanctions, if you would like to do so.</p>	

Reporting and acting on child abuse and neglect Summary of consultation responses and Government action

Key word		Number of responses	Percentage
More severe	Criminal sanctions	29	13%
	DBS review	16	7%
	Apply to public	9	4%
	Publically accountable	8	3%
	General support for sanctions	2	1%
Less severe	Not too severe	39	17%
	Not criminal	36	16%
	Organisation level	31	13%
	Professional body	21	9%
	Blames/criminalises staff for actions beyond their control	12	5%
	Not DBS	9	4%
	Sanctions are sufficient in current system	4	2%
	Sanctions should be proportional	3	1%
	General against sanctions	2	1%
Not relevant		37	16%
Organisations should be accountable not individuals		7	3%
Other		5	2%
Table note.			
Base: 231 respondents. Percentages are calculated by dividing the response count for each code by the number of respondents (231) and will not add up to 100%.			

<p>110. This question produced a wide range of views, although overall a majority of respondents felt that sanctions should be less severe. 16% of respondents felt that sanctions should not be criminal, compared with 13% who felt they should be. 17% of respondents made a general comment that sanctions should not be too severe and 13% made a general comment that sanctions should be applied at organisation level.</p>	
<p>111. The most frequently expressed view from the written submissions we received was that sanctions should not be criminal (although a number of submissions did support criminal sanctions) and should be left to professional bodies.</p>	
<p>Additional information</p>	
<p>112. Finally, the consultation invited respondents to provide any additional information that they felt should be taken into account, including but not limited to:</p>	
<ul style="list-style-type: none"> • the operational impact of introducing a new statutory measure, including on small businesses such as nurseries or children’s homes; 	
<ul style="list-style-type: none"> • how the new duty should interact with the existing FGM mandatory reporting model; 	
<ul style="list-style-type: none"> • any additional research/evidence not referred to in the consultation document; and 	
<ul style="list-style-type: none"> • the operational impact of extending either of the statutory measures to vulnerable adults. 	

Reporting and acting on child abuse and neglect Summary of consultation responses and Government action

Key word	Number responses	of Percentage
Resources/burden	57	24%
General negatives	40	17%
Definition	33	14%
General benefits	32	14%
FGM reporting	30	13%
Existing framework	23	10%
Morale	18	8%
Other	13	6%
Research	13	6%
Confidentiality	10	4%
Not relevant	6	3%
Duties should extend to adults	6	3%
Timing	5	2%
Thresholds should be reconsidered/more training on thresholds	5	2%
Information sharing should be improved	5	2%
Listen to children/reporters more	4	2%
Duties will burden	3	1%
Duties should apply to small organisations/businesses	2	1%
Creates blame culture towards professionals	2	1%
Duties should apply to all staff in safeguarding sector	2	1%
Table note.		
Base: 236 respondents. Percentages are calculated by dividing the response count for each code by the number of respondents (236) and will not add up to 100%.		

<p>113. There was a wide range of comments in response to this question. 24% of respondents took the opportunity to highlight the impact of any new duty on resources, 14% highlighted the importance of having clear definitions to support a new duty and 13% commented on how a new duty should interact with the existing FGM mandatory reporting model.</p>	
<p>114. The main theme from written submissions was that the existing controls should be improved instead of introducing a statutory duty. A number of submissions also highlighted the need for clear definitions and others felt that further research was needed into the issues around reporting and acting on child abuse and neglect.</p>	