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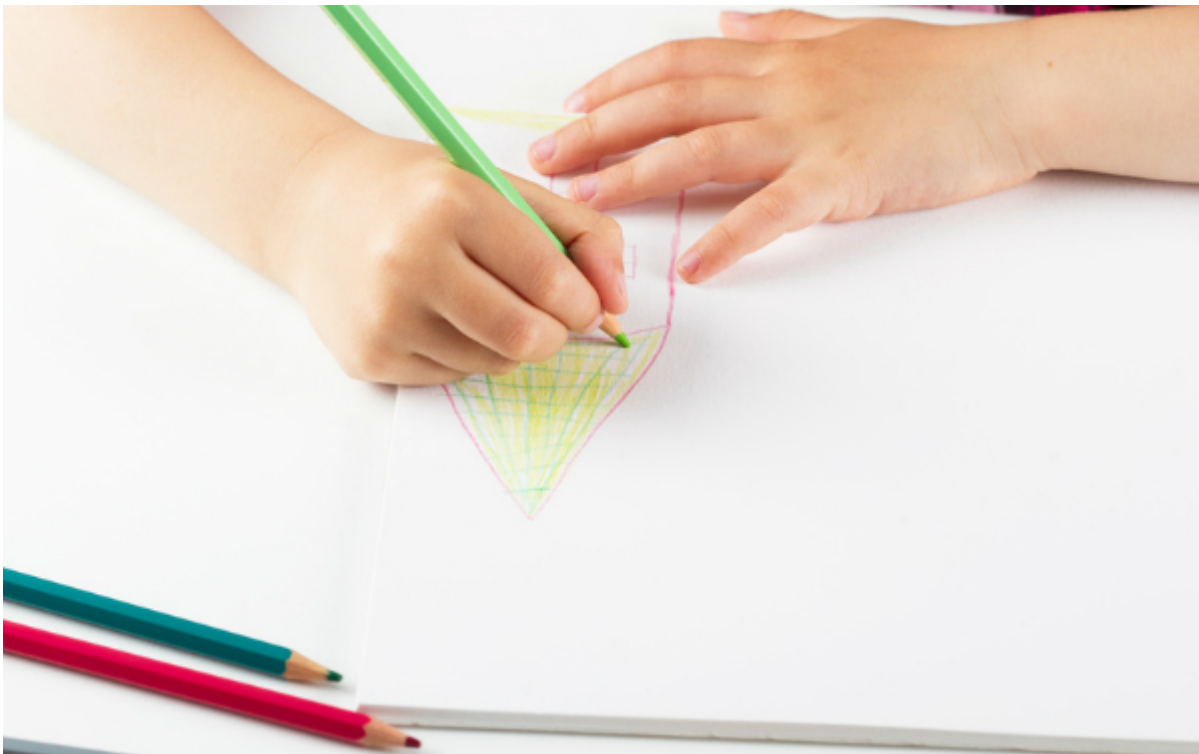
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'Mandatory reporting of abuse would improve child protection'

Proposals for mandatory reporting have split opinion. Ahead of a much-delayed consultation on the measure, Tom Perry explains why he backs MR.

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Picture: colors0613/Fotolia

By Tom Perry, founder of [Mandate Now](#)

The government has deemed child sex abuse “a national threat” yet has dragged its heels on consulting on a proposal to help tackle it and improve child protection – mandatory reporting.

It is approaching two years since ministers promised a public consultation on the measure. There have been murmurings we could finally see it launched before the parliamentary recess on 21 July. Even this isn't guaranteed given the slowdown in government business in the wake of the EU referendum and the appointment of a new prime minister.

The repeated delays are concerning. Mandatory reporting, for the reasons expressed in this article, is a vital component of a functioning child protection framework. It is also very misunderstood.

From the two words alone, many people mistakenly think they know all they need to about it. Yet until the last four years, most people were convinced law requiring reports of known or suspected child abuse already existed. This included two former ministers at the Department for Education to my personal knowledge.

A complex proposal that's misunderstood



**MR in the Rest of the World:
Some form of mandatory reporting is present in¹:**

- ❑ 81.8% of the developed nations
- ❑ 78.6% of the developing nations
- ❑ Combined, 80.3% of the nations participating

- ❑ 90% of the nations in the Americas;
- ❑ 86.4% of the nations in Europe;
- ❑ 77.8% of the nations in Africa;
- ❑ 72.2% of the nations in Asia.

¹*Daro, D. World Perspectives on Child Abuse 7th ed. International Society for the Prevention of Child Abuse and Neglect, Chicago 2006. p.26*

Mandatory reporting is a complex and nuanced subject. The means and model for introducing the measure varies in different countries. When the consultation is eventually launched, it is most likely to seek views on the introduction of mandatory reporting for those who work in Regulated Activities as defined by the Safeguarding Vulnerable Groups Act 2006.

These include employees working in positions of trust in roles such as healthcare, education, children's homes, sports organisations and faith settings to mention a few. The law would place a legal requirement on staff to submit a report to a local authority when abuse is observed or suspected on reasonable grounds.

Social workers are not specified as 'mandated reporters' because they are the *recipients* of referrals from those employed in Regulated Activities. The legislation is designed to support and protect Regulated Activity employees in fulfilling their challenging and important child protection roles. Once referrals have been triaged by an enhanced version of the Local Authority Designated Officer (LADO), those reports which are deemed appropriate are passed onto social services and others as required. The Local Authority's existing statutory duty to investigate child protection concerns then applies.

Wilful neglect

However, social workers will want to pay attention to the consultation. Why? Because the government may well use it to include proposals to introduce a new offence of 'wilful neglect' for social workers and other unspecified professionals who fail to protect children from abuse.

This proposal was first mooted by the Prime Minister as part of a response to the serious case review into the Oxford child sexual exploitation case. He did so despite there being no suggestion of wilful neglect in those cases.

Could wilful neglect make any difference to child protection in Regulated Activities? Yes, it will preface confusion, provide the occasional scapegoat, but fail to deliver improvement through long needed culture change to child protection in these important settings.

By contrast, there is evidence mandatory reporting has an important role to play in Regulated Activities. Some form of the law operates in most European countries. In many it is centred on 'mandated reporters,' people in jobs similar to those we define as Regulated Activities. It delivers clarity of purpose and legal immunity to employees when making a report in good faith.

Research has found that well designed mandatory reporting places more children into safety earlier.

In April, Child Abuse and Neglect published an article by Professor Ben Mathews on the impact of mandatory reporting in the single jurisdiction of Western Australia. Mathews' overall conclusion was: *"The results of this research suggest a mandatory reporting law for CSA [child sexual abuse] is associated with a substantial and sustained increase in identification of cases of CSA."*

"Societies which are considering the introduction of a mandatory reporting law for CSA should find support for this policy intervention from these findings, while recognizing the associated needs for reporter education, investment in agency capacity and service provision, and the need to implement responses to reports with sensitivity."

Will councils be swamped with referrals?

Reports, outcomes in Australia overall (all sources): trend in last 3 years (AIHW 2013)

	2008/09	2011/12
Total notifications:	339,454	252,962
Total children in notifications:	207,462	173,502 (106,754 investigations)
Total substantiations:	54,621	48,420
Total children in substantiations:	32,641	37,781

A frequent argument made against mandatory reporting is that local authorities might be overwhelmed with referrals of poorer quality that divert resources and attention from other alerts that are somehow more valuable. But where is the research on which this claim is grounded?

As mandatory reporting was gradually introduced in each state in Australia the number of referrals increased, but then so did substantiations which mirrored pre-mandatory levels.

Judicious amendment to law, improvements to training, and the removal of duplicate reports very quickly saw post mandatory referrals drop to below levels that existed prior to the policy's introduction as the graphic below shows. The number of substantiations per 1000 referrals has risen significantly.

The figures show total referrals, of which mandated reporters account for just over 50%. A key component of mandatory reporting is effective triage. Think of it as an enhanced version of the current Local Authority Designated Officer (LADO). Effective triage avoids unnecessary burden being placed on social services departments.

Evidence indicates mandatory reporting is a vital component of an effective child protection system. But politicians don't seem to like it much, and this government has spoken repeatedly against it by placing reliance on evidence that falls apart under scrutiny.

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