

Professor Alexis Jay OBE
Chair
Independent Inquiry into Child Sexual Abuse
PO Box 72289
London
SW1P 9LF



19 April 2017

Dear Professor Jay,

Seminar 12.4.17 – The Presentation by Professor Lorraine Radford

Having read the report from Professor Radford and the transcript of the Inquiry Seminar held on 12 April, it is our opinion that the report includes significant inaccuracies in its statements about mandatory reporting, and in particular significantly mischaracterises the research on this subject led by Professor Ben Mathews of Queensland University of Technology. This letter is intended to address any incorrect perceptions about that research that the panel may have received as a result.

The foreword of the report “Protecting children from harm: A critical assessment of child sexual abuse in the family network in England and priorities for action” by the Children’s Commissioner for England states the following.

“My research shows that the scale of child sexual abuse is significant. It is widely known that child sexual abuse is under-reported. Professionals working in this field often say that we’re only seeing ‘the tip of the iceberg’. My report estimates the size of that iceberg, and finds that approximately 1 in 8 victims of sexual abuse come to the attention of statutory authorities.”

If this figure (or something approaching it) is taken as being valid, then it is an indication of a national widespread failure on the part of those working with children to detect signs of abuse and to report those signs to children’s services. By one method or another, the reporting rate must be significantly increased if the vast majority of abused children are not simply to be abandoned to their fate.

Unless these abused children become known to the authorities, nothing can be done for them. It is likely that evidence of abuse does come to those who work with children, but that no record exists because no note was made of it at the time for the reasons revealed in many Serious Case Reviews. (It is likely that much additional anecdotal evidence of these failings will become available to the IISCA through the Truth Project.) Mandatory Reporting is one means by which the reporting rate might be increased. Mandate Now has been arguing for some time in favour of mandatory reporting within Regulated Activities, because the best of the available evidence suggests that it will make a significant difference.

However, Mandate Now is not wedded to mandatory reporting on ideological grounds. The need is for an increase in reporting (and for capacity of children's services and elsewhere to address the increase). If other means of stimulating increased reporting can be shown to work better, then we would support those, either in association with or instead of mandatory reporting depending on what the evidence suggests.

At no time has it been suggested by Mandate Now that mandatory reporting is a 'magic bullet' for child protection in Regulated Activities as suggested during the seminar by David Ashcroft of the Association of Independent Chairs of LSCBs and Mr Beard of Barnardo's. That phrase is used only by opponents of mandatory reporting who tend to offer a false dichotomy between mandatory reporting implemented alone, and all the other measures they can think of (apart from mandatory reporting) in concert. Amongst opponents of mandatory reporting, the idea that it might be a force-multiplier increasing the effect of other measures appears rarely to be considered. This is the context for our comments on the Rapid Evidence Assessment carried out by University of Central Lancashire for the IICSA.

Page 10

The first mention of mandatory reporting is on page 10, in the Executive Summary.

“Research in Australia confirms that mandatory reporting can increase reports of child sexual abuse but that resources are needed to manage these. The number of cases investigated but not then substantiated also increased.”

We would object to the word “can”, because the evidence of Professor Mathews' research is that it does. And so “does” would have been a more appropriate word to use.

It is obvious that more reports (from any source) would require more resources to manage them, so the second part of the first sentence is not required. Moreover, this is the only mention in the entire report of the phrase “resources are needed”, which gives the misleading impression that mandatory reporting and no other measure would require additional resources to implement.

The second sentence “The number of cases investigated but not then substantiated also increased” is also misleading. Unless 100% of the additional reports generated by some new initiative are substantiated (an impossible condition) then it is inevitable that there will be additional unsubstantiated reports.

In any case, this is not the primary criterion by which the initiative should be measured. The measure of the success or otherwise of a change in child protection policy must surely be an increase in the number of children protected. But the results in this respect are not even mentioned in the Executive Summary. That the results found by Professor Mathews are highly positive should certainly have been mentioned.

A further point is that Professor Mathews has pointed out previous criticisms of substantiation rates as a worthwhile measure of the effectiveness of reporting arrangements. Here is the relevant paragraph from his paper¹:

“It should be noted that a body of research in the USA into the outcomes of reports of all forms of abuse and neglect has consistently concluded that unsubstantiated reports do not differ markedly from substantiated reports in the child’s behavioural and developmental outcomes and service need (Drake, 1996; Hussey et al., 2005; Kohl et al., 2009). Many reports of abuse and neglect that are investigated but unsubstantiated do involve abuse and provide opportunities for early intervention (Drake & Jonson-Reid, 2007; Drake et al., 2003; Kohl et al., 2009). Numerically, more unsubstantiated reports result in provision of services than those that are substantiated (Drake & Jonson-Reid, 2007). This research into reports of all forms of abuse and neglect taken as a whole, and their outcomes, has resulted in conclusions that the substantiation outcome is “a distinction without a difference” (Hussey et al., 2005), that it is “time to leave substantiation behind” (Kohl et al., 2009), and that “substantiation is a flawed measure of child maltreatment. . . policy and practice related to substantiation are due for a fresh appraisal” (Cross & Casanueva, 2009). These findings are likely related to the factors affecting agency capacity to substantiate a report, including: evidentiary thresholds for reaching a finding of substantiated; availability of evidence of harm even where there is sufficient evidence of abuse; availability of evidence of abuse even where there is sufficient evidence of harm; and whether the jurisdiction focuses on evaluating substantiation of existing harm, or risk of harm occurring in the future. As well, reports may not be comprehensively investigated due to internal agency factors such as availability of personnel and resources, and multiple reports about the same child being recorded as one investigation.”

There are a number of important points in this paragraph which need to be teased out and given individual attention.

1. Unsubstantiated reports are just as likely to result in an assessment that the child is in need of assistance. More unsubstantiated reports result in provision of service than substantiated.
2. Many reports of abuse and neglect that are investigated but unsubstantiated do involve abuse and provide opportunities for early intervention.
3. Substantiation rates can be affected by factors other than the quality of the initial report. These factors include:
 - a. evidentiary thresholds for reaching a finding of substantiated;

¹ Impact of a new mandatory reporting law on reporting and identification of child sexual abuse: A seven year time trend analysis. Child Abuse & Neglect, Volume 56, Issue null, Pages 62-79. Ben Mathews, Xing Ju Lee, Rosana E. Norman

- b. availability of evidence of harm even where there is sufficient evidence of abuse;
 - c. availability of evidence of abuse even where there is sufficient evidence of harm;
 - d. whether the jurisdiction focuses on evaluating substantiation of existing harm, or risk of harm occurring in the future
 - e. availability of personnel and resources to investigate reports
 - f. multiple reports about the same child being recorded as one investigation
4. Substantiation is a flawed measure of child maltreatment. . .policy and practice related to substantiation are due for a fresh appraisal.

The effect of these is that a comparison of substantiation rates between jurisdictions is meaningless unless it can control for these factors. In practice, the only meaningful comparison that can be made is within a single jurisdiction before and after the introduction of mandatory reporting, all other factors largely remaining the same. (By the way, the same difficulty in measuring the effect applies to any other change in child protection policy.)

So, a mention of the “Research in Australia” that speaks only of numbers of unsubstantiated reports without addressing the weakness of substantiation as a measure is seriously misleading.

Page 12

The next mention of mandatory reporting is on page 12, in the “Implications” section of the Executive Summary.

“Additional resources will be needed to deal with increased reports and additional screening procedures that will result if mandatory reporting is introduced.”

Again, mandatory reporting is picked out as the *only* measure whose implementation might require additional resources. But it seems that whatever measure is taken to stimulate additional reporting will require additional resources to process those reports.

Earlier on that page the review states:

“Responsibility for preventing and responding to child sexual abuse and exploitation needs to extend beyond specialist and child protection services to include the wider range of organisations, particularly faith groups, industry, the private sector, sport and leisure.”

We rather doubt that Professor Radford means these organisations should handle suspicions of child sexual abuse in-house without reference to children’s services or the police. That failed approach is in part what has brought about the need for the IICSA in the first place. But if that is not Professor Radford’s intended meaning it follows that if additional responsibility is taken by these organisations and the responsibility is discharged

effectively (whether or not they are mandated to do so) then additional reports must necessarily reach children's services, requiring additional resources to process. But only in the case of mandatory reporting is this mentioned.

Page 61

The next mention of mandatory reporting is on page 61.

“A much discussed difference in approaches to identification across different jurisdictions is whether or not there is a system of mandatory reporting. However the research evidence on the impact of mandatory reporting on effective child safeguarding is mixed with differing views about the impact of a referral and investigation on families where allegations are not substantiated.”

This falls short of a fair and complete summary of the issue for a number of reasons. First, it ignores the difficulty of comparing substantiation rates from different child protection regimes. Second, a range of “differing views” is worthless unless those differing views are backed by evidence.

The sources of these contrasting views are unnamed, but they might include the following papers previously cited by the government to justify opposing mandatory reporting.

- Wallace, I. and Bunting, L. (2007) An examination of local, national and international arrangements for the mandatory reporting of child abuse: the implications for Northern Ireland. Belfast: NSPCC.
- Munro, Eileen and Parton, Nigel (2007) How far is England in the process of introducing a mandatory reporting system?
- Ainsworth, F (2002) Mandatory reporting of child abuse and neglect: does it really make a difference?
- Harries M, Clare M. (2002) Mandatory Reporting of Child Abuse: Evidence and Options; Report for the Western Australian Child Protection Council; Discipline of Social Work and Social Policy. University of Western Australia: Perth.

These papers could at best be described as being of limited evidentiary value. Another paper that the Government has not cited and to which the same aforementioned value applies is: Melton Gary B, 2004. Mandated Reporting : a policy without reason.

Wallace and Bunting coincided with the introduction of mandatory reporting applied to all society in Northern Ireland, making use of existing legislation. The paper included no original research, stated that there is “little empirical evidence” on the subject and yet came out strongly against mandatory reporting, even to the extent of recommending that the existing mandatory reporting arrangements in Northern Ireland should be dismantled.

Ainsworth looked at child abuse in Western Australia and talked a lot about the surge in “unsubstantiated” cases and that they are a significant burden to the system. Ainsworth

does not recognize that close to half of all reports are made by non-mandated reporters; that a large proportion are multiple reports about the same children; that many reports are screened out and are not investigated, hence resulting in very little burden; and that in any event the substantiation rate of investigated cases following the introduction of MR is significantly higher (Mathews 2012).

Harries and Clare was a literature review which commented on the lack of quantitative data but nonetheless claimed the existence of “overwhelming evidence” that mandatory reporting systems worldwide are “in chaos” without specifying what that evidence was. We undertook a critical examination of the value of *Harries and Clare*².

Munro and Parton looked at the history of legislative arrangements in the UK, a 16-page document which contained a single paragraph of figures comparing substantiation rates between jurisdictions, but otherwise no quantitative data at all. Nevertheless it opposed mandatory reporting on the grounds of insufficient resources to address an anticipated increase in the number of reports.

Page 62-3

Within a larger section on the subject of mandatory reporting Professor Radford includes the following.

“A recent study by Mathew, Ju Lee and Norman (2016) assessed the impact of the introduction of a mandatory reporting law in Victoria, Australia on the identification of child sexual abuse cases. Looking at reported cases over a seven year period, it was found that there was an increase in cases reported from 551 in 2006 to 2719 in 2012. The numbers of cases investigated grew (from 366 to 2040) but so did the numbers not investigated (from 185 in 2006 to 1239 in 2009, 1522 in 2010 and downwards to 679 in 2012) and the numbers not substantiated (from 235 to 1660). There was an increase in cases substantiated from 131 in 2006 to 380 in 2012.”

Let’s leave aside the fact that the study was of Western Australia, not Victoria. This is a seriously incomplete summary of one of the few high-quality quantitative studies of the subject.

First, it concentrates almost solely on substantiations, leaving aside Mathews’ clear statement, backed by previous research, that substantiation is not a useful indicator.

The following information could usefully have been mentioned:

- Taking all the mandated reporters together, there were 3 times as many reports per year after the introduction of the law compared to the level before. The level was

² <http://mandatenow.org.uk/can-reliance-be-placed-on-a-report-used-by-academics-and-others-to-justify-the-dismissal-of-mandatory-reporting/>

stable in the three years prior to the change. There was a jump by a factor of 2.7 in the year the law was introduced and then some small further rises thereafter.

- The number of reports which resulted in an *investigation* (again stable in the 3 years before the law change) rose year on year thereafter, with a mean per year also 3 times the pre-law average. However, in the immediate aftermath of the change, the *proportion* of reports investigated dropped sharply and then recovered in 2011. (It can be inferred that it was recognised that additional resources were needed to address the larger number of reports, and that these investigatory resources were found.)
- The number of reports that were *substantiated* was stable in the 3 pre-law years, and increased and remained constant for the years after. The annual number of substantiated reports doubled in the post-law years, compared with the pre-law years. Once the number of reports investigated rose in 2011, the total number of substantiations also rose from about 160 substantiated cases per year to about 380 per year in the years 2011-2012. However, the *proportion* of investigated reports that were substantiated showed a modest fall.
- Among the mandated groups, the largest increase in reports came from teachers. Before the law change, teachers generated fewer reports than the police (about 220 vs 360 per year) but by 2011-12 this had changed, with teachers generating about 2600 per year against the police 1287 per year.

Mathews' overall conclusion is as follows:

“The results of this research suggest a mandatory reporting law for CSA 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.”

This is a long way from the “magic bullet” idea suggested by Ashcroft and others during the seminar, and which was not contradicted in any of Professor Radford's comments at least as far as we are able to see from the transcript. But it is a significant and positive result which has not been reflected in Professor Radford's review.

General comments

No single measure is going to deal with the problems being addressed by the IICSA, because there are so many different points at which the process of protecting a child can fail (or not even start). The following is a non-exhaustive list of possible failure points.

1. The child does not disclose the abuse at the time.
2. Other evidence of abuse (e.g. physical, behavioural) is not noticed by those in a position of responsibility working with children.

3. The child makes a disclosure but the disclosure is not reported within the setting (perhaps because the child is not believed).
4. Other evidence is noticed (e.g. by a member of staff at the child's school) but not reported within the setting.
5. The evidence or disclosure is reported within the setting but the report is not passed to the LADO or local authority children's services by the principals of the setting.
6. The report reaches children's services but is not acted on, for instance through lack of resources, because the report is disbelieved, or because it is thought not to reach the "harm threshold" that justifies intervention.
7. The intervention made by children's services is insufficient to protect the child.

This list addresses only the process of protecting the child and does not address the further obstacles to a successful prosecution of the abuser. Undoubtedly the IICSA will discover more detail about these and other failure points during the course of the inquiry.

Mandatory reporting as described in the Mandate Now proposal³ is intended to address items 3 to 5 on the list. It is our belief (based amongst other things on the Children's Commissioner evidence) that items 1-5 combined mean that the vast majority of child sexual abuse goes unreported, and that if this fact is ignored, then measures addressing better handling of reported cases is at best merely tinkering around the edges of the problem. Therefore suggestions that more reports are somehow unhelpful (mentioned at several points during Professor Radford's review and made by others during the seminar) appear to be reflecting *Munro and Parton* in (albeit unintentionally) putting the interests of children's services at their present level of resourcing ahead of the as-yet-undetected needs of the great majority of abused children.

Each of these failure modes, if it is to be corrected, will require a different detailed policy prescription and possibly additional resources. It is only by the combination of measures addressing different failure points that a substantial and lasting improvement can be made.

If mandatory reporting (or any other measure which is effective in significantly increasing the number of reports) is implemented, then a necessary consequence is that the measure will have to be accompanied by resources, training and systems to address the increased number of reports and the increased number of abused children who as a result will come to the attention of children's services.

If Professor Radford can suggest a means by which the 7-in-8 abused children who currently go undetected by the system can be helped without either an increase in reporting or in the resources to handle the additional reports, then we would be most interested to see her suggestion. If she does not have any suggestion, is it appropriate for her (and others) to suggest that an increase in reports is a bad thing?

³ Submission from Mandate Now to the Open consultation: Reporting and Acting on Child Abuse and Neglect, October 2016. (<http://mandatenow.org.uk/wp-content/uploads/2016/10/MR-Submission-FINAL-061016.pdf>)

This letter is primarily concerned with the misleading representation of the research into mandatory reporting led by Professor Ben Mathews. There are several other misconceptions about mandatory reporting, some of which are evident in the report and the seminar transcript. We intend in due course to write a further letter to you on this subject.

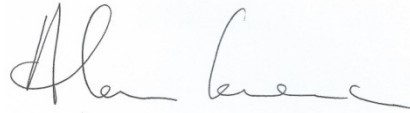
As a matter of courtesy a copy of this letter will be sent to Professor Radford. In the interests of transparency, we plan to publish it on our website on or before 13th May. We hope this provides suitable time for ICSA to respond.

Yours Sincerely,

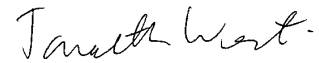


Tom Perry
Founder

[Mandate Now](#)



Alana Lawrence



Jonathan West

Cc. Professor Lorraine Radford