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<b>FoI Requests on rationale</b>	<a href="mailto:npcc.request@foi.pnn.police.uk">npcc.request@foi.pnn.police.uk</a>
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<b>Force/organisation</b>	Norfolk Constabulary / NPCC
<b>NPCC Coordination Committee</b>	Child Protection & Abuse Investigation (CPAI) working group
<b>Telephone number</b>	01953 424210
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## **Response from Chief Constable Simon Bailey (national policing lead for child protection and abuse investigation) - Reporting and acting on child abuse and neglect consultation**

- 1) Simon Bailey is the Chief Constable of Norfolk Police and a member of the National Police Chief's Council (NPCC). This call for evidence submission is made in his capacity as the national policing lead for Child Protection and Abuse Investigations (CPAI) and chair of the associated working group. Further detail around the NPCC can be found in Appendix A.
- 2) Child Protection and Abuse Investigations include a broad range of areas which are within the scope of this consultation including Child Sexual Abuse (CSA) in all its various forms (i.e. familial, online, Child Sexual Exploitation (CSE)), neglect and Multi Agency Safeguarding Hubs (MASH).
- 3) To inform this response, consultation has taken place with a range of police officers and staff from across England, Wales and Northern Ireland. This submission is designed to provide a consolidated response on behalf of policing nationally. It does not seek to cover in detail the potential inclusion of vulnerable adults although it is likely that the views highlighted would cross over and may even be further exaggerated given the experiences in Wales where a form of reporting duty for children and adults has been introduced.
- 4) Overall, the Government commitment to improving the national response to child abuse / neglect to ensure that victims get the best possible service and that all professionals working with children are effectively empowered is welcomed.
- 5) The Police have and continue to see a substantial increase in the number of reports / identified instances in this area across the last five years. Despite this we recognise that there remains a lot of abuse and neglect which is not reported or identified.
- 6) There has been a significant amount of investment by police to address the threat and improve the service offering in light of significant historic failings. Recent inspection reports (e.g. CSE and missing thematic Joint Targeted Area Inspection report<sup>1</sup>) have shown a positive direction in travel in police and multi-agency response although we recognise that much still needs to be done. There is still evidence of gaps in practice and we must ensure that our approach is adaptive to emerging threats as they emerge.
- 7) To this end, we believe that it is vital that the Government at a national and local level continues to ensure that Child abuse and neglect is prioritised and that services are sufficiently empowered / resourced to respond to it effectively.
- 8) We also agree that it is important that a clear and unambiguous message as to the importance of this issue is given, not just to child protection professionals but also the public in general and prospective victims. We believe though that continued investment in services, training,

<sup>1</sup> <https://www.gov.uk/government/publications/joint-inspections-of-child-sexual-exploitation-and-missing-children-february-to-august-2016>



awareness raising, research/ evaluation and high quality Personal Social and Health Education (PSHE) is integral to this.

- 9) In the main, we agree with the points set out in the consultation document which articulate the main potential benefits and negative consequences of introducing new legal duties relating to reporting and acting.
- 10) We particularly note the absence of any firm evidence from countries which have introduced similar duties of a positive effect. We would also invite you to consider further/ undertake additional research around the potential for negative consequences on the following areas:
  1. Culture
  2. Capacity
  3. The need for a balanced approach
  4. Recruitment/ retention/ welfare of staff
  5. Gaps in evidence

### **Culture**

- We are concerned around the potential impact that the introduction of duties in this space may have on the overall culture around child protection and partnership working. A duty to report for example could place an emphasis on the transfer of risk, particularly in cases which would be considered low risk and the causes for the concern unclear. This is as opposed to seeking to work with a child to build trust, understand the causes /their needs and enabling appropriate discussion across child protection professionals to ensure the most appropriate action is taken which is in their best interests.
- Serious case reviews for example are predicated on adopting an open and transparent review of the events leading up to a serious incident with a focus on learning and adapting future responses as opposed to apportioning individual blame.
- It is our concern that the introduction of additional legal duties, with possible criminal sanctions is likely to have an adverse impact on professional discussion across child protection professionals as well as organisational learning.

### **Capacity**

- As the consultation documentation states, child protection referral rates are high in the UK in comparison to other countries (including those with a mandatory reporting duty) suggesting that awareness of indicators and reporting is already comparatively high.
- DFE data relating to child protection referrals does not reflect the full extent of information sharing and reports to social care. It does not include 'initial contacts' which commonly marks the first stage of assessment in the child protection process. 'Contacts' relate to requests for advice, information or a service to children's social care, where there maybe a child in need. A contact is considered a referral locally when it is judged that a professional decision is required. There is an absence of robust national data available relating to the scale/ nature of contacts and related trends with variation in recording practices locally. The Association for Directors of Children's Services (ADCS) estimated that in 2013/14 there were 2.3million initial contacts in England. Data provided by 71 local authorities over the same



period indicated that 30% of contacts went on to be referrals into social care, 28% resulted in advice/information being given, 25% were NFA'd and 17% were recorded as other<sup>2</sup>.

- During the production of recent regional problem profiles into child sexual exploitation concerns were commonly raised about the thresholds applied by children social care for action to be taken. Specifically that they are often too high and that there is limited overall capacity in some locations to respond to child protection referrals and manage related concerns. At present, as the ADCS and DFE data would suggest, a small proportion of contacts are judged to require a safeguarding decision, meet local thresholds for action and in turn are subject to a child protection referral / onward activity. Introducing additional reporting duties without further investment in capacity/ infrastructure is likely in our opinion to significantly increase the demand on those persons charged with completion of the initial assessment. Critically we are unclear if this would ultimately result in more positive action taking place as a result.
- Overall we feel Government would need to satisfy themselves as to whether local authorities are in an appropriate state of readiness to respond to additional legal duties regarding reporting/ acting and the associated increased demand which is likely to follow. Concern around current thresholds, capacity and effectiveness of a number of local children's social care services have for example been raised by the National Audit Office in their recent publication in this area.<sup>3</sup>

### **The need for a balanced approach**

- Whilst identification and response is important, it is also vital that equal emphasis is put into preventing abuse and neglect before it takes place.
- We are concerned that the introduction of duties to report could draw the resources away from these areas and that the proposed duty to act does not offer sufficient clarity regarding prevention activity in its current form.

### **Recruitment / Retention/ Welfare of Staff**

- Police officers in the child protection arena work with some of the most vulnerable members of the society and witness / respond to extreme and traumatising forms of abuse on an almost daily basis.
- Recruitment and retention of officers / staff is a persistent challenge as not all persons would like or be suitable from a welfare perspective to work in these positions.
- Significant concerns exist that the introduction of formal duties, with possible criminal sanctions, is likely to impact on this and make it harder to recruit new staff and retain those already in post.

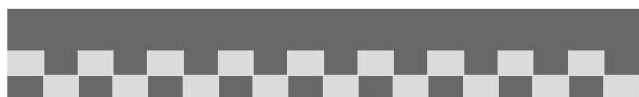
### **Gaps in evidence**

- There is a lack of evidence internationally about the positive impact of the introduction of mandatory reporting.

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<sup>2</sup> <http://adcs.org.uk/assets/documentation/adcs-sg-pressures-p4-report-final.pdf>

<sup>3</sup> <https://www.nao.org.uk/wp-content/uploads/2016/10/Children-in-need-of-help-protection.pdf>



- There is also an absence of formally evaluated effective risk assessment tools and a clear picture of the true indicators for example of Child Sexual Exploitation<sup>4</sup>. This has clear implications with regards to the introduction of additional legal duties and related criminal sanctions.
- 11) It is our opinion that whilst the intent surrounding the introduction of universal duties to act and report are positive there are a number of likely perverse impacts which could outweigh the potential benefits.
  - 12) Specifically regarding the proposed reporting duty, it may be there is more value in considering further the introduction of a more limited form of reporting duty. In particular ensuring that children who are in specific closed settings where the state or a third party is in effect looking after the child and the parent / carer is not in day to day contact with them (e.g. boarding schools, children's homes and secure establishments). It is clear that in these types of settings, professionals have a more enhanced responsibility as custodian for the child's welfare and it maybe appropriate for there to be a legal duty in place to reflect this. Particularly where it is known or disclosed that abuse has happened and their maybe perverse incentives (reputational/ financial) for them to seek to manage the incident in house without involving social care or the police.
  - 13) Should a decision be made to implement a duty to report (including via duty to act), we believe that a significant investment would need to be made to assist police and partners to develop and refine the current Multi Agency Safeguarding Hub (MASH) models. In areas where a MASH is present, they commonly act as the front door for child protection referrals, triaging and conducting initial assessments. However at present there is significant variability in the form that they take / effectiveness of their work with an absence of national guidance, common principles, IT infrastructure, evaluated models & toolkits. This was clearly reflected in a number of the recent joint thematic inspections into CSE and missing<sup>5</sup>. Investment in joined up IT systems for MASH environments is particularly critical as this continues to be an inhibiting factor for many MASH's despite them being co-located.
  - 14) As articulated in the consultation document there are also a range of benefits associated with the duty to act, components of which may in turn benefit from further consideration.
  - 15) A recurring theme arising from serious case reviews is information sharing and the difficulties in collating all available data from across partners in a timely and robust way to inform decision making. Despite advice and guidance to the contrary, this remains an issue and may benefit from some form of absolute legal clarity around duties to share (including time frames) once concerns are identified and raised with social care or as part of an active police investigation.
  - 16) Equally, in our response to Alan Woods LSCB review, we set out that the current duties to cooperate at a strategic level and the capacity of the LSCB chair to hold agencies to account is potentially insufficient. It maybe that with the forthcoming proposed legislative changes around LSCBs this could be subject to further consideration.
  - 17) Should a decision be made to implement a duty to act, there are also a number of areas which would require additional consideration and further clarity offered:

<sup>4</sup> <http://www.eif.org.uk/publication/csa-risk-and-vulnerability/>

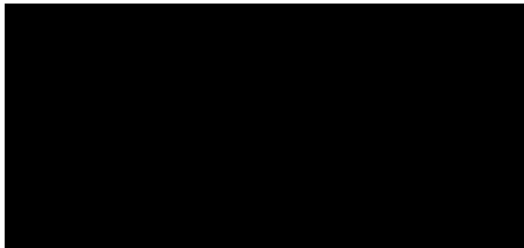
<sup>5</sup> <https://www.gov.uk/government/publications/joint-inspections-of-child-sexual-exploitation-and-missing-children-february-to-august-2016>



- Should the voluntary sector also be included in the duties given that they often provide services in this area?
- The extent to which the duty relates to preventative and protect activity as well as reporting and initial response?
- Who would be responsible for investigating and enforcing any legal duties introduced and in particular where there maybe potential criminal sanctions for an individual? Questions over independence, particularly in context where organisational failings may also be present would need to be considered.

18) It is our strong opinion that no additional duties should be introduced in isolation. Any subsequent increase in duties would need to be accompanied by additional investment in a range of related areas not limited to personnel but also including resources & tools for child protection professionals, training, broader awareness raising and research/ evaluation.

Yours sincerely



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## Appendix A - About the NPCC

At the National Police Chiefs' Council (NPCC) we help police cut crime and keep the public safe by joining up the operational response to the most serious and strategic threats. We bring together 43 operationally independent and locally accountable chief constables and their chief officer teams to coordinate national operational policing. We work closely with the College of Policing, which is responsible for developing professional standards, to develop national approaches on issues such as finance, technology and human resources.

### Our key functions

The body has the following functions:

- Co-ordination of national operations including defining, monitoring and testing force contributions to the Strategic Policing Requirement working with the National Crime Agency where appropriate;
- Command of counter-terrorism operations and delivery of counter-terrorist policing through the national network as set out in the S22A agreement;
- Co-ordination of the national police response to national emergencies and the mobilisation of resources across force borders and internationally;
- National operational implementation of standards and policy as set by the College of Policing and Government;
- Working with the College, development of joint national approaches on criminal justice, value for money, service transformation, information management, performance management and technology;
- Working with the College (where appropriate), development of joint national approaches to staff and human resource issues (including misconduct and discipline) in line with chief constables' responsibilities as employers.

