

Reporting and acting on child abuse and neglect

The Scout Association (herein also referred to as TSA or The Association) is the UK's largest co-educational youth organisation. We deliver non-formal education and everyday adventure to over 445,000 six to twenty-five year olds across the UK: activity that builds character, changes lives and has a positive impact in communities.

The Association is a federation of over 8,000 individual Scout Groups, Districts and Counties, all of whom are independent charities led and maintained by a network of over 115,000 volunteers.

TSA is committed to ensuring that children and young people are kept safe from harm. We do this by placing the needs of children at the heart of what we do and by having effective safeguarding policies, outstanding training for our volunteers and a professional specialist Safeguarding Team.

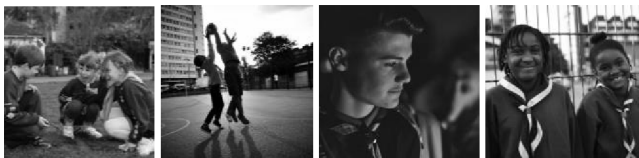
We would welcome further engagement with the Department for Education/Home Office on this important matter.

Summary

The Home Office and Department for Education are consulting on the possible introduction of mandatory reporting, and/or a duty to act, in relation to child abuse or neglect.

TSA believes that a mandatory duty to *report* concerns regarding child abuse and neglect could be placed on TSA as the umbrella body for Scouting, but not on individual Scout Groups and certainly not on individual volunteers. This is because such a duty could result in:

- **Duplication of reporting** to the local authority children's social care caused by both the individual volunteer reporting and then again by TSA on having concerns reported to us by the volunteer also.
- **Failure or delay to inform TSA** of concerns because they believe they have already discharged their responsibilities by reporting to the local authority children's social care. This would inhibit our ability to suspend volunteers immediately when concerns are raised, as is our current practice.
- **Undermining existing relationships** between TSA and LADOs, local authorities and statutory bodies caused by volunteers reporting to these third parties rather than via TSA
- **Criminalising volunteers** who, although we make clear have an absolute duty of care to the young people they work with, should not be expected to have the same professional expertise, insight or ability to spot all cases of child abuse or neglect as professional practitioners do. This is of particular concern when the consultation states that sanctions relating to the duty would *not* be limited to cases of wilful, deliberate or reckless failures to report.



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TSA believes that a duty to act could not be placed on the Association itself, local Scout Groups or individual adult volunteers because:

- TSA, local Scout Groups nor individual adult volunteers have any powers to act in relation to the protection of young people, other than immediately suspending any adult volunteers connected to a reported concern and reporting to the relevant authorities (namely the Local Authority Designated Officer, police and Disclosure and Barring Service).
- Scout Groups and individual adult volunteers do not have the experience, expertise or time (as volunteers) to 'act' appropriately or immediately.

Finally, should a mandatory duty to report be placed on individual adult volunteers or Scout Groups then:

- A duty must also be placed on local authority children's social care to report any cases involving Scouting back to TSA to allow immediate initiation of our internal processes (such as suspension of adult volunteers and serious incident reporting to the Charity Commission).
- Clear and accessible guidance must be created with a volunteer/non-professional audience in mind to ensure appropriate reporting.
- Criminal sanctions should not be imposed on volunteers, particularly when sanctions relating would not be limited to cases of wilful, deliberate or reckless failures to report.

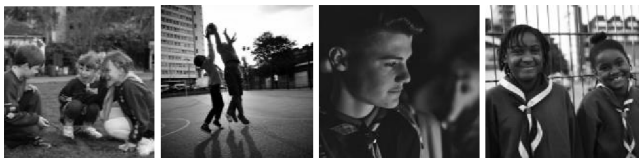
Risks regarding the introduction of a mandatory reporting duty

TSA has an existing procedure in place for reporting and acting (internally within the organisation) on safeguarding matters. All reports from children and young people, parents, our own volunteers and external agencies are handled centrally by our Safeguarding Team (employed professionals). We take all concerns seriously and act on every report. We refer child safeguarding matters to statutory agencies and the Local Authority Designated Officer (LADO), where appropriate. We make decisions with the welfare of children and young people as our priority and fulfil our obligations to refer to the Disclosure and Barring Service (or equivalent).

As such the TSA would not be significantly impacted by the introduction of a mandatory reporting duty on us, as an *organisation*, in the sense that there are existing processes already in place.

However, as the charity with responsibility for the organisation of Scouting across England, TSA ensures compliance from local Scout Groups, districts and counties with safeguarding, charity law, health and safety legislation and our own internal procedures. So in the context of a federated charity such as TSA, a new duty to report could cause:

- **Duplication of reporting** to the local authority children's social care caused by both the individual volunteer reporting and then again by TSA on having concerns reported to us by the volunteer also.



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- **Failure or delay to inform TSA** of concerns because they believe they have already discharged their responsibilities by reporting to the local authority children's social care. This would inhibit our ability to suspend volunteers immediately when concerns are raised, as is our current practice. It may also impact on our ability to report serious incidents to the Charity Commission.
- **Undermining existing relationships** between TSA and LADOs, local authorities and statutory bodies caused by volunteers reporting to these third parties rather than via TSA.

We also believe there is a principled concern in relation to the **criminalisation of volunteers**. Although TSA makes clear, through mandatory and regular training, that adult volunteers have an absolute duty of care to the young people they work with, we do not believe that they should be expected to have the same professional expertise, insight or ability to spot all cases of child abuse or neglect as practitioners. This is of particular concern when the consultation states that sanctions relating to the duty would *not* be limited to cases of wilful, deliberate or reckless failures to report.

As such, TSA believes that:

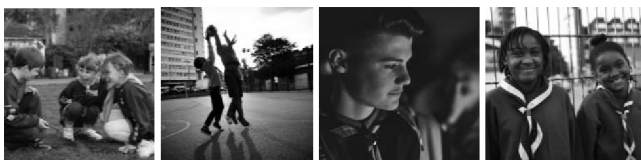
- any new duty to report child abuse or neglect should **apply to TSA** as an umbrella body, **not local Scout Groups or individual adult volunteers**

If a duty is established that applied to local Scout Groups or individual volunteers then:

- **clear guidance** on appropriate reporting must be created, with volunteers as its intended audience
- a duty on local authority children's social care to **communicate any reported concerns back** to TSA must be created
- sanctions should **not be criminal** in nature

Risks regarding the introduction of a duty to act

As outlined above, TSA has an existing procedure in place for reporting and acting on safeguarding matters. All reports from children and young people, parents, our own volunteers and external agencies are handled centrally by the Safeguarding Team. We fulfil our obligations to refer to the Disclosure and Barring Service and carry out a rigorous vetting process as part of the recruitment of adult volunteers. We take all reported cases seriously and act on every concern. Where appropriate we refer child safeguarding matters to statutory agencies and the Local Authority Designated Officer. TSA makes decisions with the welfare of children and young people as our priority. Individuals that contravene safeguarding policy are suspended from the organisation.



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TSA's existing processes are designed to deliver sector leading safeguarding of young people within the federated structure of the organisation. However neither TSA as an umbrella body, nor local Scout Groups, have any powers that would enable us to 'act' as the proposed duty intends.

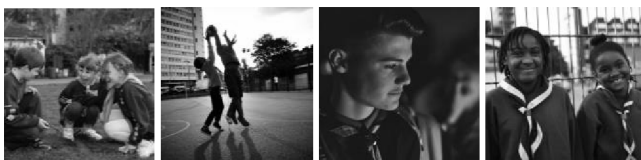
In terms of individual adult volunteers, it would be wholly inappropriate to establish any statutory 'duty to act' in which they were in scope because:

- They do not have the professional expertise to 'act' appropriately
- Nor do they necessarily have the time, as volunteers, to 'act' immediately.

As such, TSA believes that any new duty to act as is currently described in this consultation should **not be applicable** to TSA as an umbrella body, local Scout Groups or individual adult volunteers



13 October 2016



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