

PE1551/E

Dr Sarah Nelson Email of 21 April 2015

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I am a specialist on child sexual abuse issues and the effects of CSA throughout life. I was also the Adviser to the Committee's Inquiry in to Child Sexual Exploitation in Scotland.

Mandatory reporting is no panacea

Shocking child abuse scandals and cover-ups have encouraged campaigns throughout Britain for legislation which makes failure to report child abuse a criminal offence. Now a petition calling for “mandatory reporting” in Scotland has been lodged with the Scottish Parliament, by campaigner Scott Pattinson.

These campaigns – supported by many abuse survivors’ organisations - reflect understandable dismay that there’s no legal obligation to report child abuse concerns, allegations or witnessed events, to social services and/or police. Campaigners say that there must be, for staff in faith settings, schools, sports clubs, other institutions and childcare settings.

Who could possibly object to that? Yet many people with long experience of working against child abuse and sexual violence have serious worries about whether a crusade which is turning into a juggernaut, and which no-one, including politicians, likes to question, will actually be effective. They fear it will be seen as a panacea, encouraging complacency and ignoring more urgent changes needed before mandatory reporting could make any major difference – at least in sexual abuse, the main form of abuse in recent scandals, which I discuss here.

There may be a point on which almost everyone can agree. This is that the most senior layers of management in these settings should indeed be mandated to report: so that scandals where Church bishops, children’s home heads or school heads kept information about paedophiles to themselves over decades will end. Reporting to senior management should also be a professional responsibility written into contracts, so that staff cannot be penalised nor sacked for such reporting. But junior staff should not be threatened and intimidated with criminal sanction. Other reforms also need greater priority before mandatory reporting will be effective.

What are some of the problems, and what would actually do much more to increase the pitifully-low charging and conviction rates for child sexual abuse and exploitation?

· Unfortunately, reporting does not mean the report will be acted upon nor the children protected.

The UK campaign urges mandatory reporting “so that experienced and independent assessment is introduced immediately, to ensure perpetrators are stopped as soon as possible.” This is currently a pipe-dream.

Over many years, hundreds of reports were made by outraged staff to police and social services of girls raped and brutalised by child sexual exploitation (CSE) gangs, and children abused in care homes, yet they did nothing. This will continue until child protection agencies and criminal justice interpret these acts as abuse, instead of deciding they made lifestyle choices, or demeaning the young people as prostitutes, troublemakers, delinquents, or liars to be disbelieved.

Changes of attitude in these key agencies towards abuse victims, especially to stigmatised ones, need to be enforced through compulsory training which is backed with the sanction of disciplinary action.

Even if reports are acted upon, children and young people will continue being traumatised and discredited in court (and often returned to their abusers) so long as they're used as the main source of evidence, and so long as there are no further curbs on defence conduct. Continued improvements in criminal justice and court processes are vital. Why not pilot in Scotland one of the “Children’s Houses”, which have been so successful in preparing cases sensitively for court in Scandinavia?

· Most children still feel unable to tell adults if they are being sexually abused.

This is a huge problem everywhere, and in my own research alone, young people gave 14 different reasons why they did not tell. Imaginative means of anonymous reporting are needed, while the whole climate for “instant action” in mandatory reporting is likely to deter young people further from confiding in staff. They value time to develop trust, and more control over the speed of investigation. This is why three Scottish local authorities aim to pilot Scottish “Confidential Space” projects for sexually abused young people, a scheme originally initiated by Children 1st and other interested individuals and groups. These will gather evidence thoroughly at the young person’s pace, with emphasis on making them safe, so that reporting leads to some positive outcome.

In successful CSE investigations police have slowly and painstakingly built trust with very stigmatised, distrustful young people. How would such child- centred practice coexist with mandatory reporting, and how would such reporting improve young people’s sense of control and involvement?

· Most of the worrying behaviour seen or heard is not clearcut, but full of doubts and uncertainties.

This is one of the greatest problems. Mandatory reporting assumes that people will clearly recognise sexual abuse (and indeed other forms of child abuse). But most do not, as any role-playing exercise during child protection training reveals. What am I seeing/hearing? Did I imagine it? Am I exaggerating or mistaken? Are they just young people experimenting? What if I ruin his career?

More “worry ‘phonelines” or secure internet advice services, staffed by child protection specialists, and which allow adults with care of children to talk through a worrying scenario, would help greatly to overcome this problem.

· Most adults responsible for children think they’re not allowed to ask them if they’re being sexually abused.

“Backlash” arguments about the alleged coaching of children, after failed sex abuse cases like Orkney, have made school and youth staff fear to ask even open-ended (and absolutely permitted) questions of children, even when they strongly suspect sexual abuse. Yet they would not hesitate to ask children about bruises. Disclosures and reports remain tiny in most schools. Simply making quite clear to teachers that it is perfectly permissible to ask would make a big difference to the amount of child abuse reporting.

· Most adults find sexual abuse a difficult and upsetting subject which they prefer to avoid. Threats of prison increase fear and panic: support builds confidence and courage to address sexual abuse.

Regular confidence- building and reflective discussion for staff groups in organisations will do this - not the big stick.

· Reductions in substantiated cases of sexual abuse in some other countries do not necessarily mean that mandatory reporting is working.

With such a secretive, heavily under-reported crime, it increases in reports, charges and convictions which would suggest that it is working. Research on the merits of MR in various countries remains inconclusive.

We need to campaign for the changes suggested above; so that if mandatory reporting is fully implemented in future, it only takes place in a climate of informed awareness and confidence, lack of prejudice against children, and a legal and criminal justice system which gives them better hope of protection.