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Insert the following new Clause—

“Mandatory reporting of abuse in relation to regulated activities

- (1) Subject to subsection (7), providers of regulated activities involving children or vulnerable adults, and persons whose services are used by such providers being persons who stand in a position of personal trust toward such children or vulnerable adults, who while such children or vulnerable adults are in their care have reasonable grounds for knowing or suspecting the commission of abuse on such children or vulnerable adults while the same are in their care whether such commission of abuse shall have taken place or be alleged to have or be suspected of having taken place in the setting of the regulated activity or elsewhere, have a duty as soon as is practicable after it shall have come to their knowledge or attention to inform the Local Authority Designated Officer (LADO) or children’s services or such other single point of contact with the Local Authority as such Authority may designate for the purpose of reporting to it any such matter, allegation or reasonable suspicion.
- (2) Failure to fulfil the duty set out in subsection (1) before the expiry of the period of 10 days of the matter or allegation or suspicion first coming to the knowledge or attention of the provider or of any person whose services are used by the provider as defined in subsection (1) is an offence.
- (3) For the purposes of subsection (1), the operators of a setting in which the regulated activity takes place, and staff employed at any such setting in a managerial or general welfare role, are deemed to stand in a position of personal trust and are deemed to have direct personal contact with such children or vulnerable adults as are in their care whether or not such children or vulnerable adults are or have been personally attended by them.
- (4) For the purposes of subsection (1), all other employed or contracted staff or voluntary staff and assistants are deemed to stand in a position of personal trust only if, and only for the period of time during which, they have had direct personal contact with and have personally attended such children or vulnerable adults.
- (5) For the purposes of subsection (1), children or vulnerable adults are or are deemed to be in the care of the providers of regulated activities—
 - (a) in the case of the operators of any setting in which the regulated activity takes place and of staff employed by the operators at any such setting in a managerial or general welfare role for the period of time during which the operators are bound contractually or otherwise to accommodate or to care for such children or vulnerable adults whether resident or in daily attendance wherever the regulated activity is provided, and
 - (b) in the case of all other employed or contracted staff or voluntary staff and assistants for the period of time only in which they are personally attending such children or vulnerable adults in the

capacity for which they were employed or their services were contracted for.

- (6) It shall be a defence to show that the LADO or that Children's Services or that such other single point of contact with the Local Authority as such Authority may designate for the purpose of reporting was or were duly informed by any other party during the 10 days referred to at subsection (2) or had been so informed prior thereto.
- (7) A Secretary of State having responsibility for the welfare safety and protection of children and of vulnerable adults may in exceptional cases by a letter or other instrument under his hand (hereinafter referred to as a "Suspension Document") rescind or temporarily suspend the duty referred to at subsection (1) in the case of any specified child or children or of any specified vulnerable adult or adults concerning whom it appears to him that the welfare safety or the protection of such child or children or of such vulnerable adult or adults would be prejudiced or compromised by the fulfilment of the duty referred to at subsection (1) and may where it appears to him that the welfare safety and protection of children is furthered thereby exempt any specified entity or organisation and the members thereof that works with children generally in furtherance of their welfare and safety and protection or any specified medical officer from compliance with the duty referred to at subsection (1) provided always that no allegation is made against such entity or organisation or member thereof or against such medical officer.
- (8) It shall be a defence for any person to show that a Secretary of State acting pursuant to subsection (7) has issued a Suspension Document and it shall be a defence for any person employed by or operating as an entity or organisation that works with children or for any medical officer to show that a Secretary of State has by such Suspension Document whether temporarily or permanently exempted it and its members or any medical officer from compliance with the duty referred to at subsection (1).
- (9) Subject to sub-paragraphs (i) and (ii) below, a person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years or to a fine, or to both;

but so that—

- (i) no penalty or term of imprisonment shall exceed that actually imposed or exigible on the person whose conduct or behaviour toward children or vulnerable adults has been established as the commission of a criminal offence for the purposes of sub-paragraph (ii) below, and
- (ii) no person shall be liable to any penalty greater or other than an absolute discharge or a conditional discharge unless within the period of 5 years of the matter or allegation or suspicion first coming to the knowledge or attention of that person it shall have been established by a Court of Law or by a signed and duly witnessed confession that the conduct or behaviour toward children or vulnerable adults known

or suspected for the purposes of subsection (1) is a criminal offence actually committed by the party suspected thereof on such child or children or vulnerable adult or adults.

- (10) In this section—
- “regulated activity” relating to children and relating to vulnerable adults has the same meaning as in Schedule 4 to the Safeguarding Vulnerable Groups Act 2006;
 - “providers of regulated activities” has the same meaning as in section 6 of the Safeguarding Vulnerable Groups Act 2006;
 - “vulnerable adults” has the same meaning as in section 59 of the Safeguarding Vulnerable Groups Act 2006; and
 - “children” means persons who have not attained the age of 18 years.