



MandateNow

## Child sexual abuse is a crime. Reporting it is discretionary.

### MANDATORY REPORTING: a 5-minute guide

- Mandatory reporting of known and suspected child sexual abuse requires professionals who work with children in 'Regulated Activities' (for example: [teaching, healthcare, faith, sport](#)) who know, suspect, or have reasonable grounds for knowing or suspecting child sexual abuse, must inform the Local Authority Designated Officer ('LADO') or in appropriate circumstances the police. Failure to inform would be a criminal offence. Presently, this is only guidance which can be ignored.
- The legislation would introduce a much stronger culture of abuse prevention as well as support and protect mandated personnel. In the absence of law, staff who do report presently are by default, whistleblowers with little meaningful protection. Law is often a [catalyst for behavioural and cultural change](#). The aim of mandatory reporting is not to criminalise staff but to support staff when faced with the most challenging decision they will ever face in their career. Being legally mandated to inform the 'LADO' supports personnel which the current discretionary reporting regime does not.
- Our proposal simplifies 13 pages of referral '**guidance**': [Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors](#).
- It will ensure an experienced LADO, who is independent of the setting, assesses allegations of child sexual abuse as a matter of course. Presently the decision whether to even inform the LADO is being taken by senior personnel at the setting who are neither independent of the child nor of those who may be the focus of an allegation. Furthermore, they do not possess the specialist training that is so important in these situations.

### What are Regulated Activities?

'Regulated Activities' are legally defined in Schedule 4, Part 1 and Part 2 of the SAFEGUARDING VULNERABLE GROUPS ACT 2006. They include schools, faith organisations, children's homes, health organisations including the NHS, sports clubs and similar. In other words, institutions where children are cared for *in loco parentis* by adults other than their parents. <http://www.legislation.gov.uk/ukpga/2006/47/schedule/4>

### Will the proposed new legislation cover abuse outside 'Regulated Activities?'

The proposal for new law only applies to Regulated Activities; the staff who work in them; and the children who attend. It will cover known or suspected abuse of any child who attends

the RA wherever the alleged or actual abuse occurred. Regulated Activities are strategically important sentinel reporters of abuse that may be occurring within the family or elsewhere in the child's life.

### **What are the current rules and why are they failing?**

Currently, most institutional settings refer these concerns to a Designated Safeguarding Officer who in turn consults others in the leadership of the institution before deciding what should happen next. The senior leadership team (including the Chair of Governors who has statutory responsibility for safeguarding) make the decision whether the incident (has reached the necessary subjective thresholds) '**should**' be referred to the LADO. This assessment '**should**' consider whether an adult has behaved:

- in a way that has harmed or may have harmed a child
- possibly committed a criminal offence related to a child
- behaved in a way that indicates that s/he is unsuitable to work with children

The school personnel conducting the assessment and who make these decisions are ill-equipped to do so because they have no specialist training. Any failure to refer an allegation that meets the subjective thresholds carries no legal sanction because there is no statutory obligation to make a referral. Furthermore the '**statutory guidance**,' (an oxymoron) is grounded upon the undeliverable assumption that Regulated Activities will always follow guidance.

Serious Case Reviews have repeatedly revealed that 'professionals,' and others, have often suspected years before that abuse was taking place but failed to inform anyone contrary to guidance.

Reasons for staff not reporting to their Designated Officer include<sup>1</sup>:

- Confusion and disbelief at what has been witnessed / reported
- Self-doubt
- Alleged perpetrator is a colleague and possibly a friend
- Alleged perpetrator is more senior and more powerful than witness
- Alleged perpetrator is an aggressive parent
- Witness or concerned staff member (to abuse) is sole wage earner in family
- Fear of ostracisation / repercussions for making a report
- Fear of the consequences
- Cannot be bothered

Reasons for the Administration of a Regulated Activity failing to report to the LADO:

- Lack of experience and understanding of subject
- Desire to protect the reputation of the institution

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<sup>1</sup> Example of many of these can be seen in the Serious Case Review for Hillside First School Weston Super Mare <https://mandatenow.org.uk/wp-content/uploads/2016/09/Hillside-First-School-SCR-full.pdf>

- Defence of balance sheet and other financial incentives if the setting is a fee receiving institution/quasi-independent setting (Academy/Free School/Trust/sports club)
- Loyalty / friendship with the abuser
- Not believing the child
- Don't want the inconvenience of an investigation

**Would Mandatory Reporting of child sexual abuse overwhelm the local authority?  
Could it mean that serious cases are more likely to be missed?**

Well-designed MR of known and suspected child sexual abuse will not overwhelm the system. Data from Australia shows that referrals from teachers more than double, substantiations remain stable. Doubling means CSA referrals go from ~2.5% of total referrals to the local authority to usually ~5 to 6%. Exceptionally, one State in Aus went to 10%.

Child sexual abuse referrals are the most serious cases. The claim usually comes from politicians who are ideologically against mandatory reporting.

With Mandatory Reporting CSA sexual abuse is more likely to be picked up sooner.

**Will there be a spike in reports?**

- Inevitably there is. There has been in all jurisdictions that introduced mandatory reporting. Here are examples:

[Western Australia](#)

[State of Victoria – long term trends](#)

- The social cost of child abuse is significant and includes NHS treatment for abusees particularly mental health, drug and alcohol addiction which often has links to crime, lost workdays, and suicide. [Here is some recent data from Australia published in the Australian Child Maltreatment Study 2023](#). This is before one considers the cost and consequences of abuse on the families and extended networks around each abusee. Child abuse casts a shadow the length of a lifetime.

**Will Mandatory Reporting of child sexual abuse lead to more unfounded allegations?**

- Some commentators wrongly suggest that 'false allegations' of child sex abuse are common but no data to support the assertion has ever been provided. In this [graphic you will see that the substantiation rate is almost identical pre/post the introduction of mandatory reporting](#) of known and suspected child sexual abuse. The rise in referrals increases the number of children placed into safety.
- These statistics above are from schools, the Regulated Activity in which children spend most time (180 days per annum). Broadly similar outcomes occur in all institutional settings (faith, healthcare etc.,) to which well-designed Mandatory Reporting of known and suspected child sexual abuse is introduced.

**What does well-designed Mandatory reporting legislation look like?**

[There is a Private Members Bill which \(if passed\) would implement Mandatory reporting as we wish to see it.](#)

**The Survivors Trust supports Mandatory Reporting on known and suspected child sexual abuse.**



**THE SURVIVORS TRUST:** The Survivors Trust (TST) is a national umbrella agency for over 130 specialist rape, sexual violence, and childhood sexual abuse support organisations throughout the UK. It includes charities such as Respond and Survivors UK, [www.thesurvivorstrust.org](http://www.thesurvivorstrust.org)

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