



Home Office

Mandatory Reporting of Child Sexual Abuse

Call for Evidence

This call for evidence begins on Monday 22nd May 2023

This call for evidence ends on Monday 14th August 2023

Consultation details

To:

1. Persons working in regulated activity in relation to children (under the Safeguarding and Vulnerable Groups Act 2006, as amended).
2. Volunteers who would be undertaking regulated activity in relation to children if they were unsupervised.
3. Anyone working with children in any capacity.
4. Persons working in a position of trust (as defined by the Sexual Offences Act 2003).
5. Police officers.
6. Local authorities; including children's social care workers
7. Welsh Government.
8. NHS England, Directors of Public Health and Integrated Care Boards
9. Inspectorates and regulators.
10. Education settings and workforce, including Early Years and Further Education.
11. Children's activity settings and workforces (children's sports, drama, arts, and music clubs)
12. Civil Society and Youth organisations (charities, voluntary, community and social enterprises).
13. Academics and research institutions such as What Works Centres
14. Professional organisations such as the Royal College of Paediatrics and Child Health, the BMA etc.
15. Members of the public.

Duration:

From Monday 22nd May to Monday 14th August

Enquiries (including requests for the paper in an alternative format) to:

IICSA Response
Tackling Child Sexual Abuse Unit
Home Office
5th Floor, Fry Building
2 Marsham Street
London SW1P 4DF
Email: MR_CSA@homeoffice.gov.uk

How to respond:

To help us analyse the responses please use the online system wherever possible:
<https://gov.uk/government/consultations/mandatory-reporting-of-child-sexual-abuse>

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may request and complete a Word document version of the form by email.

Next steps:

A response to this exercise is due to be published within 12 weeks of the call for evidence closing at:
https://www.gov.uk/government/publications?publication_filter_option=consultation

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About this call for evidence

Investigations undertaken by the Independent Inquiry into Child Sexual Abuse documented unacceptable cases of organisations and institutions failing to protect those in their care from child sexual abuse (*Lambeth Council, Residential Schools, Child Sexual Exploitation in Organised Networks*, and more). This must not be allowed to happen again.

The Government remains firmly committed to tackling all forms of child sexual abuse, putting the needs of children first. Wherever possible, action should be taken to prevent child sexual abuse through safer recruitment practices, robust policies and procedures, and creating a system-wide safeguarding culture. Where abuse does occur, it is critical that frontline professionals and volunteers are equipped with the right training and resources to identify and respond to child sexual abuse, and improve how they work with child victims.

In its final report, the Independent Inquiry into Child Sexual Abuse recommended that Government introduce a mandatory reporting duty for cases of child sexual abuse:

Recommendation 13: Mandatory reporting

The Inquiry recommends that the UK government and Welsh Government introduce legislation which places certain individuals – ‘mandated reporters’ – under a statutory duty to report child sexual abuse where they:

- receive a disclosure of child sexual abuse from a child or perpetrator; or
- witness a child being sexually abused; or
- observe recognised indicators of child sexual abuse.

The following persons should be designated ‘mandated reporters’:

- any person working in regulated activity in relation to children (under the Safeguarding and Vulnerable Groups Act 2006, as amended);
- any person working in a position of trust (as defined by the Sexual Offences Act 2003, as amended); and
- police officers.

For the purposes of mandatory reporting, ‘child sexual abuse’ should be interpreted as any act that would be an offence under the Sexual Offences Act 2003 where the alleged victim is a child under the age of 18.

Where the child is aged between 13 and under 16 years old, a report need not be made where the mandated reporter reasonably believes that:

- the relationship between the parties is consensual and not intimidatory, exploitative or coercive; and
- the child has not been harmed and is not at risk of being harmed; and

- there is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned, and there is a difference in age of no more than three years.

These exceptions should not, however, apply where the alleged perpetrator is in a position of trust within the meaning of the 2003 Act.

Where the child is under the age of 13, a report must always be made.

Reports should be made to either local authority children's social care or the police as soon as is practicable.

It should be a criminal offence for mandated reporters to fail to report child sexual abuse where they:

- are in receipt of a disclosure of child sexual abuse from a child or perpetrator; or
- witness a child being sexually abused.

In light of this recommendation, we are launching this call for evidence which seeks views on how implementing a duty to report child sexual abuse is likely to impact children, organisations, and affected workforces and volunteers; and how different aspects could be implemented.

The call for evidence is particularly aimed at those working with children and young people in regulated activity or positions of trust (including in the charity, voluntary and community sectors), those involved in law enforcement and, more generally, individuals and groups working with children and supporting those affected by child sexual abuse. We recognise that these sectors currently operate under different requirements in terms of their work with children and young people. We want to collect responses from as broad a spectrum as possible so that we can accurately assess how best to implement mandatory reporting, including what support and resources may be needed, and what the potential implications might be. However, the above list is not meant to be exhaustive or exclusive, and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

The geographical scope of the call for evidence is England. Though many elements of the recommendation are devolved to Wales, crime, policing and criminal justice are not. The Home Office will work closely with the Welsh Government to ensure that the results of this call for evidence are meaningful in a Welsh context.

This call for evidence relates to a sensitive and distressing topic. It is not in itself designed to capture disclosures of, or concerns around, incidents of child sexual abuse. Such concerns should be reported directly to the police or your local children's services. You can also get advice or report your concerns anonymously to the NSPCC by phoning its free helpline on 0808 800 5000; or via [email](#).

Under the Home Office's established protocols, we will refer any disclosures of child sexual abuse to the police for their consideration. Further information about how your response and any personal data will be handled can be found below ('Confidentiality').

Implementing a statutory duty to report child sexual abuse

IICSA Recommendation

Across seven years of investigation, the Inquiry heard the important testimonies and lived experience of over 7,300 victims and survivors as well as considering the Government's 2016 consultation on mandatory reporting of abuse and neglect. The evidence it considered, which ranged from historical to contemporary accounts, demonstrated that when abuse was disclosed individuals and institutions often thought children were lying. In some cases, reputational concerns were prioritised over the safety of children, despite allegations or actual knowledge of sexually abusive behaviour. In others, a culture of indifference led to a succession of missed opportunities to intervene in the life of a vulnerable child. Appallingly, some victims testified to being mocked and bullied by safeguarding professionals when they directly disclosed details about the sexual abuse they suffered. Many more set out that inadequate and negative responses to their disclosures meant they never wanted to talk about their experiences again.

After considering the issue across several of its investigations, the Inquiry recommended in its final report to Government that a mandatory reporting regime should be established in respect of child sexual abuse cases. The duty proposed by the Inquiry would apply where a victim or an abuser discloses that a child is being sexually abused, as well as in cases where child sexual abuse is witnessed or signs are observed that indicate that a child has been sexually abused. It would be a criminal offence to fail to report a disclosure or witnessed incident of child sexual abuse.

The scope of the Inquiry's recommendation is broad, applying to anyone working in regulated activity with children, persons in positions of trust and police officers. The Inquiry also sets out that specific 'whistleblowing' protections should be in place for individuals when reports are made in good faith.

Government position

Child sexual abuse causes deep and enduring damage that can last for a lifetime. Those who work with children or hold positions of trust are in a unique position to help prevent abuse and identify when a child is suffering abuse. We know that keeping children safe from harm would not be possible without the combined efforts of professionals and volunteers across all sectors of society, and that the vast majority undertake this challenging work with a dedication that can have a transformative impact on the lives of vulnerable children and young people. We are continuing to invest in a range of measures to equip those working with children with the confidence and capability they need to tackle what is a complex and continually evolving threat.

The Government already sets clear expectations through statutory guidance (*Working Together to Safeguard Children*, *Keeping children safe in education*, Section 3 of the *Statutory framework for the early years foundation stage*) and non-statutory guidance (*Keeping Children Safe in Out of School Settings*) that practitioners working with children should make an immediate referral to the relevant local authority children's social care if they believe that a child has suffered harm (or is likely to do so). There is also existing provision in law to pursue the concealment of an arrestable offence.

Despite the existing referral framework and continuing best efforts, we know that abuse continues to go unreported. As recently as April 2023, the Child Safeguarding Practice Review Panel published a two-part [national review](#) into safeguarding children with disabilities in residential settings; which sets out how and why a significant number of children with complex needs came to suffer serious abuse and neglect while living in three privately provided residential settings.

We know from the evidence considered by the Inquiry that victims of child sexual abuse were repeatedly failed by those who should have protected them, including safeguarding professionals who failed in their duties and allowed abuse to continue. The reasons put forward for this varied from a desire to protect an individual or institution from reputational damage, feeling unable to challenge the judgement of senior colleagues, and confusing or subjective procedures for assessing and handling reports of child sexual abuse. It is clear that more work is needed to ensure that the expectations on those working with children are unambiguous; and that they must be provided with the appropriate support to act.

We have given close consideration to the views and experiences of thousands of adult victims and survivors surveyed by the Inquiry. The vast majority of those respondents (88.6%) said that they would like to see mandatory reporting of child sexual abuse introduced. Some suggested the existence of a mandatory reporting duty at the time of their abuse could have led to action being taken, or the perpetrator being brought to justice.

If delivered effectively, a mandatory reporting duty provides an important mechanism for accountability where young people have been failed by those responsible for their care, creates a clearly understood process for reporters to take action (with robust personal and professional protections), and most importantly, ensures that more victims can be identified and safeguarded.

We agree with the Inquiry that the issue of organisations and individuals in positions of responsibility and trust failing to report must now be acted on. We have committed to working across Government to consult on a measured and phased approach, which is sensitive to wider impact and burdens, and considers whether action is needed at the individual or organisational level, or both.

We are conscious that such a duty could have a significant impact on a wide range of sectors – some of which are already under significant pressure, are already in the process of reform, or are less closely regulated but still involve a significant amount of contact with children. In order to implement mandatory reporting effectively, we want this call for evidence to gather a wide range of information on its potential impact. This will allow us to take all relevant considerations into account when developing specific proposals for testing.

Aims and objectives of this call for evidence

We need to consider a number of specific issues in detail as we develop our approach to implementing the duty. In particular, we want to understand whether a duty to report should remain targeted on child sexual abuse, or be extended to cover other forms of abuse and neglect. We also wish to consider whether a duty should be on individuals (as recommended by the Inquiry), or whether accountability should be at organisational level, or both.

We want to hear from people who work or volunteer with children, particularly in regulated activity or positions of trust. We encourage interested organisations to provide detailed information on any considerations specific to their sectors, as well as views on whether a mandatory reporting duty should cover only known incidents or also include suspected abuse. We would also like to understand the potential impact on children and young people who may seek to make disclosures, as well as organisations involved in supporting victims and survivors.

We are particularly keen to understand any equalities considerations and would be grateful if respondents could draw those out in their responses. This exercise is also intended to strengthen our evidence base in relation to those sectors and workforces which may not have contributed evidence directly to the Inquiry, but which could still be impacted by a mandatory reporting duty.

Some sectors have existing duties and requirements which a mandatory reporting duty will interact with, and we are keen to understand how that interplay might work in practice. We also want to understand how implementing the duty will align with the complex landscape of ongoing reforms across child protection and safeguarding agencies. We also want to understand what additional support individuals or organisations that are subject to the duty may need in order to understand and comply with the duty ahead of its implementation.

We also welcome views on any circumstances in which it may be necessary to disapply the duty, and what type of sanction might be appropriate for individuals and/or organisations who are found to have breached the duty.

Key considerations

The aim of this call for evidence is to strengthen our understanding of each of the following aspects of the recommendation:

Who the duty should apply to

- The recommendation specifies that the duty should apply to those working in 'regulated activity' and those in 'positions of trust'. This results in a broad cohort, with a significant range of existing requirements and differing levels of familiarity with the complex issue of child sexual abuse.
- The Inquiry has also specified that the duty should apply to police officers – as policing is a reserved matter, this has implications for the mandatory reporting policies under consideration by the devolved administration in Wales.
- We are mindful of volunteers who would currently be considered to be undertaking regulated activity if unsupervised, as well as those working with children who don't fully meet the requirements of regulated activity.
- The parameters of the recommendation limit the duty to specific individuals, and therefore it does not directly address the responsibility of organisations to ensure reports made within their corporate structures are referred onwards appropriately. This call for evidence therefore seeks views on whether mandatory reporting should be at individual or organisational level or both.

Whether the duty should apply to known or suspected incidents

- As well as direct disclosures and witnessed incidents of child sexual abuse, the recommendation sets out a legal duty to report any observation of 'recognised indicators' of child sexual abuse. We know that even for trained safeguarding practitioners, making judgements in this area requires skill and experience, and

many of those subject to the recommended duty may have limited or basic safeguarding training as part of their role.

- Recognising that support is necessary, the Home Office funds the independent Centre for Expertise on Child Sexual Abuse to further strengthen the ability of professionals to understand, identify and respond appropriately to concerns of child sexual abuse through the provision of evidence-based training and practice resources. Guidance and resources are also produced by the Charity Commission and National Council for Voluntary Organisations to support civil society and voluntary organisations in understanding their responsibilities. However, much of this is non-statutory.
- The Call for Evidence asks whether the existing provision is sufficient and what more could be done to equip workforces with the knowledge to identify child sexual abuse.

What the consequences of failing to report should be

- The recommendation states that in certain circumstances, failing to report in line with the proposed duty should be a criminal offence. The level and manner of sanctions applicable to any breach of the duty will be a key consideration for effective implementation. The introduction of a bespoke criminal offence may not be proportionate, for example, if existing offences could already be applied to address breaches of the duty. The applicability of criminal sanctions to organisations may require separate consideration.
- Various regulators and inspectorates may also have a role in imposing non-criminal penalties to any breach of the duty by a member of a registered profession (see '*What protections will be in place for mandatory reporters*'), below. We are interested in your views on these points and any other aspect of appropriate sanctions attached to the duty.

What exemptions should apply to the reporting duty

- Within its recommendation the Inquiry set out a single exemption from the duty, in consideration of consensual relationships between children aged 13-16. This exemption is subject to a number of conditions, including a reasonable belief that no form of exploitation or coercion is present; and that there is general parity between the young people in terms of capacity and maturity. As with the observation of 'recognised indicators' (above), this would require those subject to the duty to develop and maintain a level of competence in applying judgements to any inter-personal relationships which they are aware of. Impacted individuals and workforces have varying levels (and in some cases limited opportunities to attain) experience and skill in this area.
- While the Inquiry sets out its view that a relationship of this kind should not be considered child sexual abuse, it remains the case that sexual activity under the age of consent (16 years old) is illegal.

What protections will be in place for mandatory reporters

- The recommendation sets out that "*Individuals should also be assured – by both their organisation and the mandatory reporting scheme – that they will be afforded protection from repercussions when making a report in good faith in line with the duty to report.*" p.230). Whistle-blowing protections for individuals when reports are made in good faith might include a removal of liability for civil proceedings or

breaches of professional conduct; or sanctions which could be applied to anyone acting to their detriment on the basis of their report. This may have particular relevance to those in the healthcare workforce and others with professional memberships and registrations.

Interaction with wider reform programmes

- Many of the sectors impacted by the proposed duty are currently engaged in delivering significant reform programmes. This includes the [*Stable Homes, Built on Love*](#) implementation strategy, which seeks to transform children's social care and child protection in England.
- The Department for Education is considering the Child Safeguarding Practice Review Panel's report into safeguarding arrangements for children with disabilities and complex health needs in residential settings.
- Government will present a report to Parliament in the Summer on its policy towards information sharing in child safeguarding, including the feasibility of using a consistent child identifier.

How to respond

The easiest way to respond to this call for evidence is to complete the online survey at: <https://gov.uk/government/consultations/mandatory-reporting-of-child-sexual-abuse>

We would welcome responses to the following questions:

About You

Q 1: To help us analyse our responses, could you please tell us in what capacity you are responding to this consultation. As a...

[Select all that apply]

- ☐ Child or young person under age 18
- ☐ Care leaver
- ☐ Birth parent
- ☐ Adoptive parent
- ☐ Foster carer
- ☐ Social Worker
- ☐ Family support worker
- ☐ Charity / voluntary sector
- ☐ Educational institution (e.g. early years setting, school, alternative provision setting, college, university)
- ☐ Sport sector
- ☐ Academic
- ☐ Health practitioner
- ☐ Police officer
- ☐ Youth justice worker
- ☐ Probation officer

☒ Other

If you choose 'Other' or wish to clarify your response, please describe the role that best describes you:

Pressure group that has led the agenda for the introduction of well-designed mandatory reporting of known and **suspected** child sexual abuse by prescribed personnel working in Regulated Activities.

Q 2. If you are responding on behalf of an organisation, what is your role within that organisation? (Select one)

- ☐ Front line worker
- ☐ Manager
- ☒ Senior leader (Director, Chief Executive)
- ☐ Corporate / Administrative
- ☐ Not applicable

Q 3. We know that we deliver better services when we receive feedback from a full range of backgrounds and experiences in the society we serve. We would be grateful if you could complete the following diversity questions. You can select 'prefer not to disclose' if you would rather not answer any question.

Your sex

- ☐ Male
- ☐ Female
- ☐ Prefer not to disclose

Your ethnic origin

- ☐ White- English
- ☐ White- Welsh
- ☐ White- Scottish
- ☐ White- Northern Irish
- ☐ White- British
- ☐ White- Irish

- ☐ White – Gypsy or Irish Traveller
- ☐ White- Roma
- ☐ Any other white background
- ☐ White and Asian
- ☐ White and black African
- ☐ White and black Caribbean
- ☐ Any other mixed or multi ethnic background
- ☐ Asian or Asian British- Bangladeshi
- ☐ Asian or Asian British- Indian
- ☐ Asian or Asian British- Pakistani
- ☐ Chinese
- ☐ Any other Asian background
- ☐ Black or black British- African
- ☐ Black or black British- Caribbean
- ☐ Any other black background
- ☐ Arab
- ☐ Other ethnic group
- ☐ Prefer not to disclose

Q 4. In sharing findings from this consultation, may we quote from your response? (Select one)

- ☐ Yes – anonymously
- ☐ Yes – attribute to my organisation
- ☒ No

Section 1: Who the duty should apply to

Q 5. Is the range of ‘mandated reporters’ set out by the recommendation (people working in regulated activity with children under the Safeguarding and Vulnerable Groups Act

2006, people in positions of trust as defined by the Sexual Offences Act 2003 and police officers): (Select one)

☐ Appropriate

☒ Too narrow

☐ Too broad

☐ Don't know

Please provide details to explain your response:

It should be according to the Schedule of the “ [Regulated and Other Activities \(Mandatory Reporting of Child Sexual Abuse\) Bill](#)”[HL] – see list below.

Having more than one safeguarding protocol across a range of children's settings would create confusion. The recommendations made by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse have seen all but one State rapidly moving towards mandatory reporting protocols of broadly similar design.

The current safeguarding framework, as applied to Regulated Activities in England and Wales serves them poorly. The safeguarding framework in the UK is dominated by neglect of children in the family. Unfortunately, it takes little account of the entirely different demands of Regulated Activity personnel. Most of these professionals work in complex and strategically important institutional settings. They have key 'sentinel' safeguarding (and reporting) roles that can so improve children's safeguarding when, as Australian data reveals, they are supported by well-designed mandatory reporting law and accredited safeguarding training.

Future mandated reporters must include those professionals working in:

SCHEDULE

Section 1

REGULATED AND OTHER ACTIVITIES

1	Education including—	
	(a) schools,	
	(b) sixth form colleges,	5
	(c) colleges of further education,	
	(d) pupil referral units,	
	(e) residential special schools,	
	(f) hospital education trusts,	
	(g) settings of education other than at schools,	10
	(h) private tuition centres.	
2	Healthcare including—	
	(a) hospitals,	
	(b) hospices,	
	(c) GP surgeries,	15
	(d) walk-in clinics,	
	(e) outpatient clinics.	
3	Others including—	
	(a) child nurseries and kindergarten provision,	
	(b) childminders and childcare providers registered on the early years register or the compulsory or voluntary part of the childcare register,	20
	(c) registered social care providers and managers for children,	
	(d) children's homes,	
	(e) children's hospices,	
	(f) youth offender institutions,	25
	(g) the Probation Service,	
	(h) private institutions contracted by public bodies to provide services to children,	
	(i) organisations providing activities to children, such as sports clubs, music, dance or drama groups, youth clubs, and Ministry of Defence cadet forces including Sea Cadets, the Volunteer Cadet Corps, the Army Cadet Force, the Air Training Corps and the Combined Cadet Force,	30
	(j) organisations providing holidays for children or supervising children while on holiday,	35
	(k) churches, mosques, synagogues, temples, and other places of worship and religious organisations,	
	(l) services offered to children by local authorities outwith their statutory duties,	
	(m) services offered to children by the police outwith their statutory duties,	40

Q 6: At what level should mandatory reporting apply? (Select one)

- ☐ Only at an individual level
- ☐ Only at an organisational level (bodies, institutions or groups)
- ☒ Both individual and organisational level
- ☐ General duty on adult population

☐ Don't know

Q 7: *[If you selected 'Only at an organisational level (bodies, institutions or groups) / Both individual and organisational level' in response to Q6]*

Which organisations or groups should it apply to?

According to the schedule provided in our answer to question 3 above which is an extract from ["Regulated and Other Activities \(Mandatory Reporting of Child Sexual Abuse\) Bill"](#) [HL]

Q 8: If there was a mandatory reporting duty at an organisational level, should those impacted be required to report on their activity annually? (Select one)

☐ Yes

☒ No

☐ Don't know

Q 9: *[If you selected 'Yes' in response to Q8]* What form should that reporting take?

Section 2: Scope of the duty

Q 10: Should a mandatory duty to report go beyond the scope recommended by the Inquiry and cover other/all types of abuse and neglect? (Select one)

☒ Yes

☐ No

☐ Don't know

Q 11: *[If you selected 'Yes' in response to Q10]* Which types of abuse and/or neglect do you think should be covered?

Suspected child sexual abuse on reasonable grounds must be included into the mandate with a criminal sanction for failing to report and corresponding protection from detriment for the reporter. A Mandate that is not legally backed is a mandate in name only. Even IICSA recognises the importance of mandating "*observing recognised indicators*" but inexplicably failed to apply a sanction to this most important and most difficult circumstance to report. The graphic below is an extract from this article on our website: [IICSA's final report recommendations fail to address its own reasoning](#).

In conclusion, IICSA has described in great detail the following:

- That child sexual abuse is grossly under-reported at present.
- That a mandatory reporting law is needed to overcome this.
- It has described who the law needs to apply to.
- It has described the kinds of evidence (witnessed abuse, disclosures, and observing recognized indicators of abuse) that need to be covered by the law.
- It has clearly shown that witnessed abuse and disclosures are both rare relative to observable recognized indicators of abuse. This is particularly so for victims of abuse by a family member.
- It has pointed out the need for a sanction to overcome people's hesitancy to report, and that a duty without a criminal sanction has been found to make no difference.

But it has then failed to follow its own reasoning by excluding the vitally important 'observing recognized indicators' from its recommendation for mandatory reporting supported by criminal sanction.

It is completely baffling.

Q 12: What impacts (positive or negative) do you think a mandatory reporting duty would have on: (Please type your response in the space beneath each subheading)

- Children choosing to make a disclosure, either partially or in full:

Concerning where someone might “*receive a disclosure of child sexual abuse from a child*”, the IICSA report indicates that this is already relatively rare. The report mentions “*Research by the All-Party Parliamentary Group on Adult Survivors of Childhood Sexual Abuse indicates that the average time for victims and survivors to disclose sexual abuse is 26 years.*” (page 257, paragraph 90).

If the average delay is 26 years, it is reasonable to suppose that the proportion of victims who disclose while still children is small. The report describes “*large numbers of adult victims and survivors who ... were not able to disclose the abuse as children*” (page 268, paragraph 34).

We agree with the IICSA analysis as described above and conclude that claims made by others that mandatory reporting would significantly deter children from disclosing not to be founded on evidence.

Preliminary data from the recently published [Australian Child Maltreatment study \(2023\)](#) showed that non-disclosure even of the most severe forms of CSA, is typical. “*For example, of all those in our survey of 8500 people who experienced rape in childhood (which was 8.7% of the study's entire sample, i.e., 717 people), less than 60% had ever in their lifetime told anyone about it before participating in our survey. Disclosure by boys/men is even less frequent than it is by girls/women. Disclosure of other forms of CSA is even less frequent than it is for rape. Moreover, when disclosure does occur, it is typically many years after the event.*” (The full publication on this is in preparation).

We also refer you to abstract below.

(Click on image for larger version)



- Individuals within scope of the duty reporting known / suspected incidents:

The IICSA Report indicates that there would be a large positive effect on such individuals. It states that “*Mandatory reporting laws are designed to facilitate the prompt and efficient reporting of child sexual abuse and to remove subjective filters of self-interest, fear, seriousness or credibility.*” (Page 226 paragraph 87)

The report explains why **reporting suspected abuse based on recognised indicators is especially important**. “*In many circumstances an individual working with children may recognise indicators of child sexual abuse that give rise to a reasonable suspicion that the child has experienced, or is experiencing, sexual abuse. It was evident throughout the Inquiry’s investigations, and supported by accounts provided in the Truth Project, that in a number of cases clear signs of child sexual abuse were missed or not acted upon. These included, for example, sexualized or sexually harmful behaviour, physical signs of abuse or consequences of sexual abuse such as pregnancy or sexually transmitted diseases. **There should also be an obligation to report abuse based on well-recognised indicators of child sexual abuse.***” (Page 226-7, paragraph 92)

We agree with the IICSA analysis and therefore consider it vital that the mandatory reporting law include the duty to report well-recognised indicators of abuse otherwise known as ‘**suspected abuse on reasonable grounds**’ as described in para 1 of [“Regulated and Other Activities \(Mandatory Reporting of Child Sexual Abuse\) Bill \[HL\]”](#).

- Organisations within scope of the duty reporting known / suspected incidents:

The IICSA Report indicates that there will be large and positive effect on organisations. It states “*Throughout the Inquiry’s public hearings, criticisms were directed at failures of institutions to respond effectively, or at all, to child sexual abuse. Many cases presented in evidence did not involve finely balanced decisions by those in positions of authority but were obvious examples of where action was necessary and often urgent, but was not taken. Institutions frequently valued reputation, including personal and professional reputations, above the interests of children. As a result, whether by design or carelessness, allegations of child sexual abuse were often marginalised.*” (Page 155 paragraph 20).

An example of this was described in one of the reports issued by IICSA during the investigation into abuse in the Roman Catholic Church. IICSA reported that when a member of staff at St Benedict’s School Ealing raised concerns the head teacher responded by saying “*If you know what’s good for you, keep your head down and do your job.*” We now know that the staff member’s concerns were entirely justified. The subject of them was subsequently convicted of eleven counts of abuse against pupils and sentenced to five years in jail. ([The Roman Catholic Church Case Study: English Benedictine Congregation Ealing Abbey and St Benedict’s School, page 49 paragraph 12](#))

The report goes on to say, “*There were a number of examples of where a particular institution kept allegations of child sexual abuse ‘in-house’ and did not report the circumstances to the local authority or the police. On occasions, efforts to expose child sexual abuse in internal reports were simply ignored because other priorities dominated the institutional agenda. As an extreme example, political turmoil and corruption within Lambeth Council meant that those who spoke out against child sexual abuse were simply drowned out by the noise of a toxic political debate.*” (page 155, paragraph 22)

We agree with the IICSA analysis and conclude that a major benefit of a well-designed mandatory reporting law applied to those Regulated Activities we have given in our response to Q5 is that it protects from detriment those who wish to report in good faith. This measure is included in Sections 3(2), 3(3) and 3(4) of the [“Regulated and Other Activities \(Mandatory Reporting of Child Sexual Abuse\) Bill” \[HL\]](#)

3 Offences

- (1) Failure to fulfil the duty set out in section 1 before the expiry of the period of seven days of the matter, 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 section 2 is an offence. 40
- (2) A person who causes or threatens to cause any detriment to a mandated person, being a person placed under the duty to report pursuant to section 1 above, or to another person, either wholly or partly related to the mandated person's actual or intended provision of a report under this Act, is guilty of an offence. 5
- (3) Detriment includes any personal, social, economic, professional, or other detriment to the person.
- (4) A person guilty of any offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

When those working with children become mandated reporters and receive the training necessary to do so effectively, then the experience of Australia is that the proportion of reports from mandated reporters rises significantly, and the quality of such reports is maintained.

Part 2

Detail on the impact of MR laws in Australia: results of five different kinds of empirical studies into MR of CSA at national and state levels

1. **What happens before and after introducing a MR law for CSA?** (7 yr study, WA)
 - ❖ After MR, the mandated occupations identified **twice as many** substantiated cases of CSA
2. **What are the long-term trends in numbers and outcomes of reports of CSA where MR is introduced?** (20 yr study, Victoria)
 - ❖ Increase after MR; stable over time; increase with social sensitisation & agency investment
 - ❖ **Significantly improved** identification of CSA/positive outcomes: 12 x for boys; 5 x for girls
3. **What is the difference in numbers and outcomes of reports of CSA in two comparable jurisdictions, where only one has a MR law for CSA?** (Vic; Ireland)
 - ❖ In the MR jurisdiction, mandated reporters alone identified **more than 2.5 x as many** CSA cases as reports from the whole population in the non-MR jurisdiction (536 – 209)
4. **How do reports of CSA differ from reports of other abuse/neglect?** (2017 study)
 - ❖ **13%** of all reports were about CSA (four in five of these were MR); neglect highest (19%)
 - ❖ > 60% of reports were for indirect maltreatment or family need
5. **How do reports of CSA differ from reports of other abuse/neglect over time?** (10 year national study)
 - ❖ Reports of CSA are consistently ~10% of all reports of child maltreatment and only half are by MR groups - **5-6% of all reports** of child maltreatment are mandated reports of CSA

Below is a snapshot of the effect of mandatory reporting of known and suspected child sexual abuse when it was **extended** to teaching in New South Wales in 1987.

NSW data: 1987 MR by teachers of sexual abuse

	Teachers' reports in 3 month period <u>before</u> mandatory reporting, by type and outcome			
	Reports	Substantiated (same; or different, type as suspected: subtotal)	Not substantiated	Substantiation rate
Sexual abuse	98	(62;7): 69	29	70.4%
	Teachers' reports in 3 month period <u>after</u> mandatory reporting, by type and outcome			
	Reports	Substantiated (same; or different, type as suspected: subtotal)	Not substantiated	Substantiation rate
Sexual abuse	286	(165;23): 189	85	68.8%

The data was then mined by Lamond in 2009. It revealed the very positive outcomes on safeguarding children. Please note substantiations remain stable.

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THE IMPACT OF MANDATORY REPORTING LEGISLATION ON REPORTING BEHAVIOR

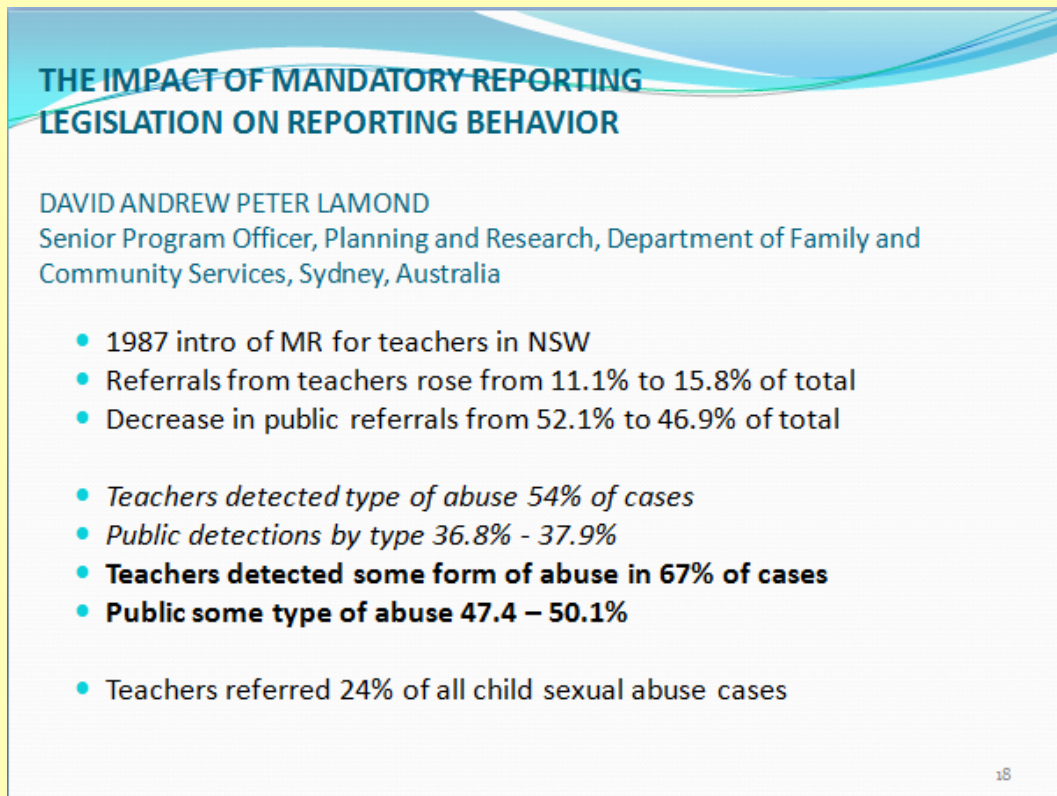
DAVID ANDREW PETER LAMOND

Senior Program Officer, Planning and Research, Department of Family and Community Services, Sydney, Australia

Abstract—In New South Wales, Australia, in July 1987, the category of professionals required to report suspected cases of child sexual assault to the Department of Family and Community Services was extended to include teachers and other school professionals. This paper reports on the impact of the process associated with the enactment of the new mandatory reporting requirements on the reporting behavior of the new mandatory notifiers. There was a significant increase in the number and proportion of reports of suspected sexual assault received from teachers. At the same time there has been no change in the quality of teachers' reports, as measured by the percentage of reports which are verified on assessment.

Here is a summary of Lamond's article. The positive impact of legislative support and well-trained mandated reporters is evident. There are also demonstrable benefits for the statutory agencies within the Local Authority and the police receiving well-grounded information on which to act. Please note, the less reliable referrals from the public reduce in number. There appears to be a correlation between the increased in referrals from teachers and falling public referrals.

Unfortunately the research specification did not permit Lamond to explore this avenue.



**THE IMPACT OF MANDATORY REPORTING
LEGISLATION ON REPORTING BEHAVIOR**

DAVID ANDREW PETER LAMOND
Senior Program Officer, Planning and Research, Department of Family and
Community Services, Sydney, Australia

- 1987 intro of MR for teachers in NSW
- Referrals from teachers rose from 11.1% to 15.8% of total
- Decrease in public referrals from 52.1% to 46.9% of total
- *Teachers detected type of abuse 54% of cases*
- *Public detections by type 36.8% - 37.9%*
- **Teachers detected some form of abuse in 67% of cases**
- **Public some type of abuse 47.4 – 50.1%**
- Teachers referred 24% of all child sexual abuse cases

18

- Individuals outside the scope of the duty reporting known / suspected incidents:

No major effect is expected, but none is needed. If those working with children become mandated reporters and receive the training necessary to do so effectively, then the experience of Australia is that the proportion of reports from mandated reporters rises significantly, and the quality of such reports is of a sustained high quality.

- Organisations outside the scope of the duty reporting known / suspected incidents:

Based on the schedule of Regulated Activities provided in our response to the question in paragraph 5, no major effect is expected on those few falling outside the scope of Mandatory Reporting. Current and future versions of 'guidance' should continue to apply. There is also provision for the Secretary of State to suspend a mandate to report

- Agencies in the wider safeguarding system that are required to respond to reports of abuse:

These agencies will be receiving earlier and better-quality reports and will be better able to respond effectively provided they are given the appropriate accredited safeguarding training (see para 26 of this submission) and the essential increase in resources that will be necessary to implement an appropriate triaging system. Earlier responses are likely to be less intrusive and not as costly (per referral) to triage. It's important to recognise that well-designed mandatory reporting of known

and suspected child sexual abuse assists early intervention. Surprising as it may seem 'substantiations' are not a sign of 'success.' The articles below assist appreciation of this subject.

(Click on image for larger version)

'Substantiations'

A term rarely understood and often misused

Allied with this fundamental claim, a connected normative argument asserts that where reports are not founded, investigations of those reports constitute an unjustified and distressing intrusion into family life. Yet, this argument has also been disputed by others, and is premised on an assumption that only substantiated reports are 'good' reports; an assumption that for many is not borne out by the evidence.¹²⁴

Numerically, more unsubstantiated reports result in provision of services than those that are substantiated (Drake & Jonson-Reid, 2007). This research into reports of all forms of abuse and neglect taken as a whole, and their outcomes, has resulted in conclusions that the substantiation outcome is "a distinction without a difference" (Hussey et al., 2005), that it is "time to leave substantiation behind" (Kohl et al., 2009), and that "substantiation is a flawed measure of child maltreatment. . . policy and practice related to substantiation are due for a fresh appraisal" (Cross & Casanueva, 2009).

- Members of the public:

In our experience, members of the public generally assume that a mandatory reporting duty already exists and are shocked and often angry when they learn that it does not. It is highly probable that the public will overwhelmingly support its introduction. It is institutions (including government) which are more hesitant, for reasons that have little to do with evidence of the effectiveness of well-designed mandatory reporting.

Q 13: At what level of knowledge should a mandatory reporting duty apply? (Select one)

- ☐ Restricted to known incidents of abuse
- ☒ Both known and suspected incidents of abuse (based on recognised indicators of abuse)

Please provide details to explain your selection:

Disclosures of abuse by perpetrators or victims and witnessed incidents of abuse are both rare compared to available recognised indicators of abuse. Our response to Q12 already quotes the IICSA report to this effect. The IICSA report also states:

"In many circumstances an individual working with children may recognise indicators of child sexual abuse that give rise to a reasonable suspicion that the child has experienced, or is experiencing, sexual abuse. It was evident

throughout the Inquiry's investigations, and supported by accounts provided in the Truth Project, that in a number of cases clear signs of child sexual abuse were missed or not acted upon. These included, for example, sexualised or sexually harmful behaviour, physical signs of abuse or consequences of sexual abuse such as pregnancy or sexually transmitted diseases. There should also be an obligation to report abuse based on well-recognised indicators of child sexual abuse." (page 226-7, paragraph 92)

We agree with this analysis, which is supported by data on the effect of mandatory reporting of known and suspected child sexual abuse in Australia.

The example below is data from Western Australia.

Study 1: What happens before and after introducing a MR law for CSA?

Nature of study

- ❖ Analysed trends in numbers and outcomes of reports of CSA in Western Australia over 7 years from 2006-12, before and after introduction of its MR law (1 Jan 2009)
- ❖ The MR law only applied to CSA, and to doctors, teachers, nurses, police
- ❖ Compared reports by **these four reporter groups** for 3 years pre-MR law (2006-08) with 4 years post-law (2009-12)

Major findings (annual means)

- **Number of reports**
 - Pre-MR: 662 – post-MR: 2448 (increase by factor of 3.7)
- **Number of investigated reports**
 - Pre-MR: 451 – post-MR: 1363 (trebled)
- **Number of substantiated reports**
 - Pre-MR: 160 – post-MR: 327 (doubled)
- Enhanced outcomes: double the number of children identified as CSA victims
- Rate of children in reports at peak: 1 in 210 (475/100,000 children); not intolerable
- Effect on systemic capacity: **largest change in Year 1, then Year 2; then plateau**

The next graphic compares two jurisdictions, one which has well-designed mandatory reporting of known and suspected child sexual abuse and one without MR. England and Wales of course, fall into the latter category. (In 2010 the Republic of Ireland had discretionary reporting).

Study 3: What is the difference in numbers and outcomes of reports of CSA in two comparable jurisdictions, where only one has a MR law for CSA?

Nature of study

- ❖ A comparative analysis of reports of CSA in Victoria (MR) and Ireland (no MR), 2010
- ❖ Two relatively comparable jurisdictions, with equivalent child populations (1.1m)

Major findings

- ❑ **Number of reports:** Victoria (MR) had almost double the number of reports as Ireland (no MR)
 - ❑ Ireland: total reports 2962
 - ❑ Victoria: total reports 5870
 - ❑ mandated reports (doctors, nurses, teachers, police): 3113 (53% of Victoria's CSA reports)
 - ❑ non-mandated reports (all others) 2757
- ❑ **Number of substantiated reports:** Victoria (MR) had 4.7 times as many as Ireland (no MR); numerically, 780 in one year alone
 - ❑ Ireland: 209
 - ❑ Victoria: 989
 - ❑ Substantiated reports by mandated reporters (drs, nurses, teachers, police): 536
 - ❑ Substantiated reports by non-mandated reporters: 453
- ❑ **Children involved in CSA reports;** effect on systemic capacity
 - ❑ Ireland: 1 in 387 children
 - ❑ Victoria: 1 in 211 children (all reports); 1 in 379 children (mandated reports)

Social services were already facing serious workload recruitment and retention challenges prior to the first lockdown which began on 5th January 2021.

“One third of LAs in the country responded to the survey, and most said that recruitment and retention were their major concerns. This latest report shows that on 30 September 2022, 31,600 full-time equivalent (FTE) social workers were in post – a decrease of 900 compared to 2021.

The level of vacancies had also increased to a higher level than before: 67.900 FTE posts are vacant, up 21 % from last year.

Caseloads have increased – up from 16.3 in 2021 to 16.6 in 2022. Sickness absence has also reached a new high; at 3.5 %, this is an increase of 0.4% over the past year”.

[Social Work Today \(2/3/23\)](#)

Might the reason for IICSA failing to follow its own reasoning by excluding ‘observing recognised indicators’ from its recommendation be linked to the challenges faced by local authorities as featured above? **If so, protecting a failing system rather than the children it is meant to serve is wrong.**

The next graphic compares MR of CSA with other types of child abuse reports.

Study 4. How do reports of CSA differ from reports of other kinds of abuse and neglect?

Nature of study

- ❖ Analysis of trends in numbers and outcomes of reports of each child maltreatment type in New South Wales, 2017 (recent data; Australia's largest state, where systemic challenges have appeared in other types of reports; broad MR law)

Major findings

- How many reports, involving how many children?
 - 291,583 reports of **all kinds of maltreatment**, involving 121,822 distinct children
 - **39,654 reports of CSA**, involving **18,777 distinct children** (1% of the 1.7m child pop.)
- Compare proportions of reports (MR + NMR combined) by maltreatment type
 - 13.6% were of CSA (n = 39,654)
 - 61.70% of reports of **all kinds of maltreatment** related to "indirect" maltreatment or circumstances of need (neglect 19%; "other" i.e., child risk behavior 18%; DV; carer issues: n = 179,903)
- MR made 83% of CSA reports; NMR 16%
- Outcomes of CSA reports
 - 65% of CSA reports screened in
 - 22% of CSA reports received SARA/SROH assessment
 - **5764 substantiated reports** (**4964 MR**; 800 NMR)
- Outcomes of all reports:
 - 46.50% of all reports (n = 35,589) received no assessment (screened out at initial intake); 36% SAS1
 - 17% (n = 49,489) received SARA/SROH assessment; of these, 35,005 substantiated (70.73%).

It is important to note that Regulated Activities (teaching being the largest) are places where children spend most time outside the family. It is personnel in Regulated Activities that have the most opportunity to recognise changes in a child's behaviour that might indicate abuse could be happening somewhere in the child's life. Sexual abuse of a child within the family is the most difficult to observe and bring to a stop. Personnel working in Regulated Activities, are 'sentinel reporters' for these children and need the support of well-designed mandatory reporting of known and suspected child sexual abuse. They are strategically important personnel in the lives of children. The IICSA Report stated:

"The Inquiry's scope did not include sexual abuse of children which occurred within a family setting, as opposed to within an institution. It did, however, include circumstances in which a child disclosed familial abuse to a person in an institution, such as a school or a church, and that person or persons failed to act upon this information or otherwise failed to identify child sexual abuse."
(page 362-3, paragraph 4)

IICSA recognises that prescribed personnel working in Regulated Activities are 'sentinel' reporters, a vitally important component of safeguarding children, who need to be supported by well-designed mandatory reporting law.

The Truth Project took details of the relationship of the perpetrator to the Truth Project participant and found that 47% of participants were abused by a family member (page 39, Table D.1).

The inquiry has also found that abuse by a family member or foster family member on average starts at an earlier age than abuse by other perpetrators. (page 46,

Table D.3). Younger children are less likely to have the vocabulary to describe the abuse they experience or even recognise it as abuse. But ‘disclosure is extremely difficult for any child. **Placing reliance upon ‘disclosure’ to underpin mandatory reporting law is flawed** which is why mandatory reporting the recognised signs of child sexual abuse backed by criminal sanction is vitally important.

Q 14: What should be considered a ‘disclosure’ of abuse?

Any statement by a child that says or gives reasonable grounds to believe that they have been or are being abused.

Q 15: The Inquiry calls for ‘recognised indicators of child sexual abuse’, which are unspecified, to be set out in guidance and regularly updated – how would you rate your own personal level of confidence in spotting indicators of child sexual abuse?

Indicate on a scale between 1-10 [1: low confidence, 10: fully confident]

☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐9 ☐10

Please provide details to explain your response:

N/A

The question is impossible to answer in such general terms, as it depends on circumstance and what indicators are present in each case. Mandated reporters must be given training by an accredited safeguarding trainer (see para 26 of this submission) in the recognised indicators so that they can fulfil their legal obligation. Their training must state that where the reporter is uncertain, they must seek advice from the LADO (our recommendation is that all referrals from Regulated Activities go to the LADO in the first instance – see our answer to Q.26) as to whether a report is required. Training standards are infinitely variable at present because of the differing standards that exist, even among even the biggest children’s safeguarding organisations. This variability of training must be addressed.

Q 16: How would you rate your sector’s current level of confidence in spotting indicators of child sexual abuse?

Indicate on a scale between 1-10 [1: low confidence, 10: fully confident]

☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐9 ☐10

Please provide details to explain your response:

N/A

Mandate Now is not in a sector responsible for the care of children.

Section 3: Sanctions for failure to report

Q 17: What is your view on the Inquiry’s proposal that a breach of the mandatory reporting duty should constitute a criminal offence? (Select one)

☒ Strongly agree

☐ Agree

☐ Neither agree nor disagree

☐ Disagree

☐ Strongly disagree

☐ Don't know

Please provide details to explain your response:

The experience of other jurisdictions with well-designed mandatory reporting of known and suspected child sexual abuse indicates that law is a powerful way of changing attitudes and therefore culture. Decades of public information films encouraging the use of seatbelts in cars (fronted by Jimmy Savile) had very little effect on usage. Making seatbelt wearing mandatory with failure to do so a criminal offence transformed the situation immediately with a 25% reduction in driver fatalities and a 29% reduction in fatal injuries among front seat passengers.

With child sexual abuse, the situation is very similar to the pre-seatbelt law days. IICSA has demonstrated that child sexual abuse is grossly under-reported, and all the public information campaigns undertaken in recent years (2016-17 and 2021-22) on national independent radio stating '[if you think it report it](#)' have had little effect. The IICSA evidence is that some people and organisations make an active decision to not report abuse. **No public information campaigns or training schemes on their own will change the behaviour of those who know they should report abuse and know how to but choose not to.** Furthermore, nothing less than legal protection against detriment for mandated reporters for reporting a suspicion on reasonable grounds combined with the threat of a criminal sanction for those who fail to report, will change the behaviour of such people.

Sunday Times article 16.2.14

Prof. Adrian Furnham Professor of Psychology
University College London

The article was titled

'Few believers when company preaches values'

- The relationship between values and behaviour is very weak. It is unwise to believe that by targeting values you are going to radically and fundamentally change behaviour. Instead, it works the other way round: change behaviour and you change values – seatbelts, drink driving and smoking are the classic examples. You cannot persuade individuals to wear safety belts or stop drinking and driving by appealing to their better nature. You change the law, threaten fines ... and over time people begin to internalise those values.

An example of this is the evidence of Abbot Richard Yeo, former Abbot of Downside and former Abbot President of the English Benedictine Congregation. Downside had a known and admitted abuser among the teacher-monks, and rather than report him, legal advice was sought by the school as to whether they had to report him. The legal advice was that no report was legally required, and therefore no report was made. The abuse came to light years later when the police were looking through school and Abbey records in search of evidence in an unrelated child sexual abuse case. In evidence to IICSA Yeo made it clear that nothing in Catholic Canon Law is incompatible with mandatory reporting (with the exception of the confessional). The clear implication of his evidence is therefore that had a well-designed mandatory reporting law existed at the time, it would have been obeyed and the abuser reported to the authorities. How many occasions the abuser's sexual abuse of boys was suspected prior to it being admitted is not recorded. ([See transcript of IICSA hearing on Wednesday, 13 December 2017, page 38 line 15 to page 42 line 23 for the description of the legal advice received, and the fact that the police were not contacted in the case in question, and page 71 line 23 to page 72 line 5 and page 76 lines 6-11.](#))

Yeo can be considered one of the Roman Catholic Church's leading experts on safeguarding, he was a member of the panel led by Baroness Cumberlege which reviewed safeguarding in the Roman Catholic Church in 2007.

Q 18: Do you believe that any other types of sanction should apply to breaches of the mandatory reporting duty (for example professional disqualification for individuals, or regulatory action in respect of organisations)? (Select one)

☒ Yes

☐ No

☐ Don't know

Please provide details to explain your response:

Regulatory action against some organisations and personnel. A recent example is that of Ampleforth College, where the government in response to persistent safeguarding shortcomings issued an Enforcement Notice in November 2020 banning the school from accepting further pupils. The notice was withdrawn on 19 April 2021 even though there was no evidence of any tangible improvement in safeguarding at the school. On the contrary, the school failed Ofsted inspections in [February 2021](#) and [March 2021](#). The withdrawal of the notice was probably because to have maintained the ban would have required the imminent closure of the school. A wider range of sanctions should be considered.

As far as professional sanctions against individuals, they do no harm but are not a substitute for a well-designed mandate with criminal sanction as evidenced by jurisdictions with well-designed mandatory reporting of known and suspected child sexual abuse.

Q 19: What is your view on the exception to the duty described in the recommendation (to avoid capturing consensual peer relationships)? (Select one)

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☒ Disagree
- ☐ Strongly disagree
- ☐ Don't know

Please provide details to explain your response:

The primary consideration in this response is the need to protect children from sexual abuse, whether the perpetrator is a child or an adult.

In both the [Ofsted review of 2021](#) and the recently published report '[Attitudes towards women and girls in educational settings](#)' (HC331) by the Women's and Equalities Commission, training for teachers so they can educate children on behaviours and disclosure, dominates the recommendations of both reports to the exclusion of the use of law. Accredited training must be part of any initiative along with a clear policy on peer sexual abuse / assault. Both must form part of children's education. It's important to recognise that policies and training alone are insufficient to significantly reduce sexual assault as precedent has repeatedly shown.

While the exception for consensual relationships between children as described in the IICSA recommendation is valid, the surrounding guidance must make it clear that **peer on peer sexual abuse concerns that arise must be referred** to the local authority for independent advice / assessment by appropriately qualified personnel. Any failure would be a breach of the duty as proposed in "[Regulated and Other Activities \(Mandatory Reporting of Child Sexual Abuse\) Bill](#)" [HL]. **The intent behind such referrals is not to criminalise children but to stop peer / peer sexual abuse / assault.**

An example of peer / peer abuse occurred at Stanbridge Earls School. Ofsted issued a public apology for its failures. IICSA heard evidence about the school during the Residential Schools hearing. There have also been credible revelations about other settings via "Everyone's Invited". Some of the schools mentioned on the "Everyone's" website also featured in IICSA's principal investigations.

Q 20: Is this exception likely to cause any particular difficulties? (Select one)

- ☐ Yes
- ☒ No
- ☐ Don't know

Please provide details to explain your response:

See our response to Q19 above.

Q 21: Do you think there should be any other exceptions to the duty which mean sanctions should not be applied? (Select one)

☒ Yes

☐ No

☐ Don't know

Please provide details to explain your response:

Where the mandated reporter can show that a report has already recently been made. Section 4 of the [“Regulated and Other Activities \(Mandatory Reporting of Child Sexual Abuse\) Bill”](#) provides for this and other appropriate defences. Sections 2 (7) and 2(8) of the same Bill provide the Secretary of State with powers to exempt an organisation or profession in prescribed circumstances.

- (7) The Secretary of State may, in exceptional cases, issue a suspension document to rescind or temporarily suspend the duty referred to in section 1 in the case of any specified child or children if it appears to him or her that their welfare, safety or protection would be prejudiced or compromised by the fulfilment of the duty. 20
- (8) Where it appears to the Secretary of State that the welfare, safety and protection of children is furthered, he or she may exempt— 25
- (a) any specified organisation that works with children generally, and its members, or
 - (b) any specified medical officer,
- from compliance with the duty referred to in section 1 provided that no allegation is made against that entity or person.

Section 4: How to ensure successful implementation

Q 22: Can you foresee any overlap or tension with your or others' existing duties or professional requirements which may be introduced by a mandatory reporting duty? (Select one)

☐ Yes

☒ No

☐ Don't know

Please provide details to explain your response:

There is no reason for any such conflicts to exist provided the legislation is well-designed and properly drafted. Precedent for good design exists within the 80% of jurisdictions in the rest of the world that have some form of mandatory reporting.

Q 23: Do you believe the introduction of a mandatory reporting duty raises any equalities considerations? For example, positive or negative impacts on groups with protected characteristics. (Select one)

☐ Yes

☒ No

☐ Don't know

Please provide details to explain your response:

This response assumes that the duty applies only to those working with children, as described in the [“Regulated and Other Activities \(Mandatory Reporting of Child Sexual Abuse\) Bill”](#).

Q 24. What, if any, kind of protections do you think would need to be in place to ensure individuals making reports in good faith do not suffer personal detriment as a result?

We recommend that the protections described in sections 3(2), 3(3) and 3(4) of the [“Regulated and Other Activities \(Mandatory Reporting of Child Sexual Abuse\) Bill”](#) are appropriate and proportionate.

(Click on image for larger version)

3 Offences

- | | |
|--|----|
| (1) Failure to fulfil the duty set out in section 1 before the expiry of the period of seven days of the matter, 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 section 2 is an offence. | 40 |
| (2) A person who causes or threatens to cause any detriment to a mandated person, being a person placed under the duty to report pursuant to section 1 above, or to another person, either wholly or partly related to the mandated person's actual or intended provision of a report under this Act, is guilty of an offence. | 5 |
| (3) Detriment includes any personal, social, economic, professional, or other detriment to the person. | |
| (4) A person guilty of any offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale. | |

Q 25: Should any additional reforms be implemented to ensure that a mandatory reporting duty successfully safeguards and protects children? (Select one)

☒ Yes

☐ No

☐ Don't know

Please provide details to explain your response:

There needs to be the following:

- A standardised and accredited scheme for those providing safeguarding training. This needs to be comprised of professionals, companies and charities operating in the sector. It is essential that it has a democratic constitution and is not dominated by the large children's NGOs' which should be part of it. .
- A standardised single scheme for training LADOs nationally.
- Statutory guidance which includes one or more model safeguarding policies for institutions affected by mandatory reporting (e.g. Schools, nurseries, sports clubs youth clubs, places of worship)
- Inspection of safeguarding in schools to be undertaken by a new safeguarding inspectorate similar to the Commission for Social Care Inspection (CSCI) There is advantage in having a safeguarding specific inspectorate. Breaking the link between education and safeguarding assessments is nothing but advantageous (see para 4 of our response to Q19). Educationalists do not make effective safeguarding inspectors.
- Full and clear safeguarding inspection against DBS referrals returned by the settings since the previous inspection.
- Within four years of the introduction of well-designed mandatory reporting of known and suspected child sexual abuse, safeguarding inspections by the new safeguarding inspectorate to be extended to include sports clubs, youth clubs and places of worship.
- An effective triaging system operated by LADOs to assess referrals and assign resources accordingly. A specialist peer/peer sexual abuse assessor to triage referrals.
- The Disclosure and Barring Service ("DBS") to be constituted a competent prosecuting authority in cases of the non-return of a mandatory referral to the DBS in prescribed circumstances. [This submission to IICSA by Mandate Now evidences the reasons why this is important. The matter was omitted from the Bailey Review.](#) The submission led to this exchange with Dr Suzanne Smith Director of Safeguarding at DBS.

(Click on image for larger version)

1	a school, and I had dismissed somebody whom I had	1	DR SMITH: Our sense is that we don't get as many referrals
2	suspected of sexting -- let's think of a current	2	into the barring service as one would expect. However,
3	example -- sexting a 17 year old boy with suggestive	3	we wouldn't know if somebody hadn't made a referral]
4	pictures but everybody had decided it wouldn't be a good	4	MS SCOLDING: Yes.
5	idea to prosecute me, that person, for whatever reason,	5	So, again, is that a case maybe of better
6	I would be under a mandatory duty to refer that?	6	information sharing by organisations such as Ofsted or
7	DR SMITH: That's right. If there is a feeling that that in	7	such as -- I mean, I am assuming, do Ofsted and the ISI
8	itself represented relevant conduct and that presented	8	refer matters to you where you think that a school
9	a risk to children.	9	hasn't done so, to the best of your knowledge?
10	MS SCOLDING: Right, and you are largely relying on people	10	DR SMITH: To the best of my knowledge, not as far as I am
11	using and making those referrals, aren't you?	11	aware. Most of the other referrals that we get are from
12	DR SMITH: Yes.	12	keepers of registers or from supervisory authorities, so
13	MS SCOLDING: Can I identify -- and in fact it is a criminal	13	the --
14	offence not to make a referral?	14	MS SCOLDING: Who is that in practice?
15	DR SMITH: That's correct.	15	DR SMITH: The GMC, NMC, in the health sector; but also from
16	MS SCOLDING: Has anybody ever been prosecuted for failing	16	the Teachers' Regulatory Agency, and that might be
17	to make a referral?	17	an issue in terms of the employers may be expecting that
18	DR SMITH: No.	18	those agencies make the referrals.
19	MS SCOLDING: Why is that?	19	MS SCOLDING: Okay, so there a mandatory referral process
20	Because we know that people have failed to make	20	and then there is a discretionary referral process?
21	referrals; for example, we have got an example within	21	Who has a discretion to refer and in what
22	the Catholic investigation, within St Benedict's,	22	circumstances?
23	Ealing, where there was a failure to make referrals and	23	DR SMITH: Anybody can make a referral to the barring
24	there are numerous other examples that we could give	24	service if they are concerned that somebody presents
25	you.	25	a risk to children.
Page 213		Page 214	

Q 26: Where should reports be made to? (Select one)

☒ Local Authority

☐ Police

☐ Elsewhere (please specify)

Please provide details to explain your response:

The first consideration must be the safety and welfare of the child. A single contact point for all referrals by Regulated Activities is essential. This must be the LADO for whom there must be a single bespoke training programme common to all LADOs. It may be that LADO triage reveals other statutory agencies need to be involved and/or other support services are needed which the LA has a statutory duty to provide. This structure also helps with improved data collection across the country which was also recommended by the inquiry. There is a dearth of UK data from which learning and improvement can be developed.

Thresholds for referral acceptance by the Local Authority must be consistent across all LA's and not vary according the how busy the service is at any given time. The current 'floating' threshold is another example of defence a failing system at the expense of children.

Q 27: The Inquiry recommended that “reports from suspicions or knowledge of abuse should be made as soon as practicable”. Should timescales from the point of suspicion/knowledge be defined more specifically? (Select one)

☒ Yes

☐ No

☐ Don't know

Please provide details to explain your response:

Section (1) of The Regulated and Other Activities (Mandatory Reporting of Child Sexual Abuse) Bill [HL] as highlighted mandates an oral report to be made as soon as is practicable after it comes to the knowledge or attention of the mandated reporter. Section 3(1) specifies that the maker of the report must confirm the report in writing no later than seven days thereafter.

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Mandate those providing and carrying out regulated or other activities with responsibility for the care of children to report known and suspected child sexual abuse; to protect mandated reporters from detriment; to create a criminal offence of failing to report prescribed concerns; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Reporting of child sexual abuse

Subject to the provisions of section 2(7), (8), and (10) and section 4, providers of any one or more of the activities set out in the Schedule, who have reasonable grounds for knowing or suspecting the commission after the date of the passing of this Act of sexual abuse of children when in their care, must, as soon as is practicable after it comes to their knowledge or attention, report it to—

- (a) the Local Authority Designated Officer (LADO), or
- (b) Local Authority Children's Services, or
- (c) such other single point of contact with the Local Authority as that authority may designate for that purpose.

2 Process

- (1) If the report under section 1 is made orally, the maker of the report must confirm the report in writing no later than seven days thereafter.

Q 28: Would your organisation need to make any changes in order to ensure the successful implementation of a mandatory reporting duty? (Select one)

☐ Yes

☒ No

☐ Don't know

Please provide details to explain your response:

This organisation does not have any role in caring for children.

Q 29: Would you as an individual need to make any changes in order to ensure the successful implementation of a mandatory reporting duty? (Select one)

☐ Yes

☒ No

☐ Don't know

Please provide details to explain your response:

This organisation does not have any role in caring for children.

Q 30: Are there any concerns, including the need for additional support, that you would like to flag for your sector? (Select one)

☐ Yes

☒ No

☐ Don't know

Please provide details to explain your response:

This organisation does not have any role in caring for children.

Q 31: Are there any additional considerations to ensuring that your sector's workforce or volunteers can meet any new mandatory reporting responsibilities? (Select one)

☐ Yes

☒ No

☐ Don't know

Please provide details to explain your response:

This organisation does not have any role in caring for children.

Q 32: Besides introducing mandatory reporting, are there any changes that could improve disclosures/ reporting / investigations and prosecution of child sexual abuse?

- It is important to realise that well-designed mandatory reporting of known and suspected child sexual abuse is a key component of an effective safeguarding system. IICSA made a number of recommendations and asserted that the effectiveness of the whole depends on implementation of each. Well-designed mandatory reporting will be ineffective without enforcement, though one can expect the number of actual prosecutions to be low, just as the number of prosecutions for failing to wear a seat belt is low compared to the number of car journeys undertaken.
- Effective enforcement will require effective safeguarding inspection of institutions, and IICSA has found Ofsted /ISI to be notably incompetent as safeguarding inspectorates.
- If the Australian experience of **mandatory reporting of known and suspected child sexual abuse** is taken as a guide, there will initially be a surge in reports following introduction of a mandatory reporting law, and local authorities need to be resourced to address it. Based on Australian experience, the number of reports plateau after an increase in the first two years, but the quality of the reports is improved and the number of children protected is approximately doubled.

Study 2: What are the long-term trends in numbers and outcomes of reports of CSA where MR is introduced?

Nature of study

We analysed trends in numbers and outcomes of reports of CSA in Victoria over 20 years from 1993-2012, covering period mostly after it introduced MR (Nov 1993).

Major findings

- Overall, reporting trends over time were generally stable, but with **four trends** over 20 yrs:
 - an **initial increase** for 2 years after introduction of MR;
 - **stability** for the next 12 years;
 - a **decline** for 2 years (connected to a change in agency practice only); and
 - **increase in the last 4 years** (influenced by social factors: awareness through govt inquiries; agency-related factors including **increased systemic investment**)
- Over 20 yrs, increase in the rate of reports/100,000 children (2.6-fold for boys; 1.5-fold for girls)
- Substantially enhanced report outcomes for children (i.e. substantiations, findings of harm, and referral to services): **12-fold increase for boys, and 5-fold increase for girls**, indicating increased levels of reports were based on real clinical need (n = 804 in 1993; n = 5220 in 2012).
 - 23,481 "Group 1" outcomes: 16,784 substantiations; 6697 others involved harm or referred to services
- Data show growing sensitisation to the CSA of boys: numbers of reports by child sex:
 - Boys: 1356 reports in 1993 (1127 NMR; 229 MR groups); 3942 in 2012 (1657 NMR; 2285 MR).
 - Girls: 2620 reports in 1993 (2119 NMR; 501 MR groups); 4280 in 2012 (1864 NMR; 2416 MR groups).

- The definition of Regulated Activity in [Safeguarding Vulnerable Groups Act 2006](#) is unclear, and open to interpretation. For this reason, the Regulated Activities to which mandatory reporting should apply have been listed in [The Regulated and Other Activities \(Mandatory Reporting of Child Sexual Abuse\) Bill \[HL\]](#).

And finally, not covered in this consultation is the cost of child sexual abuse to the health service. [The Australian Child Maltreatment Study has recently been published for which we provide this link.](#) This is an extract from page S32:

“Conclusion The prevalence of mental disorders is substantially higher in those who have experienced any type of child maltreatment and, particularly, multi- type maltreatment. Mental disorders cause significant suffering that all too frequently persists throughout life. They are responsible for a substantial burden on health care resources and expenditure. Prevention of child maltreatment provides an opportunity to substantially reduce the prevalence of mental disorders and improve the health of the Australian population”.

Thank you for participating.

We also welcome submissions from practitioners and professional bodies who will be impacted by the implementation of this recommendation. Written submissions can include the contribution of published data or research.

Written submissions can be sent to: MR_CSA@homeoffice.gov.uk

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this exercise (for example, member of the public)	Director
Date	17.7.23
Company name/organisation (if applicable)	Mandate Now
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	(Please tick box) ✓
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Further details

Please send your response by Monday 14th August to: MR_CSA@homeoffice.gov.uk

Complaints or comments

If you have any complaints or comments about the call for evidence you should contact the Home Office at the above address.

Extra copies

Further paper copies of this publication can be obtained from this address and it is also available online at <https://gov.uk/government/consultations/mandatory-reporting-of-child-sexual-abuse>

Alternative format versions of this publication can be requested from MR_CSA@homeoffice.gov.uk

Publication of response

A paper summarising the responses to this call for evidence will be published within 12 weeks of this call for evidence closing. The response paper will be available online at https://www.gov.uk/government/publications?publication_filter_option=consultation

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this call for evidence, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the UK General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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Any enquiries regarding this publication should be sent to us at MR_CSA@homeoffice.gov.uk.