

### HM Government Consultation: Reporting and Acting on Child Abuse and Neglect.

#### Purpose of the Report

1. The purpose of this report is to inform Cabinet of the HM Government Consultation document, Reporting and Acting on Child Abuse and Neglect .

#### Policy Context

2. The Government Consultation outlines options for reform of the child protection system in England, specifically in relation to reporting and acting on child abuse and neglect. This includes consideration of the introduction of **mandatory reporting** of child abuse and neglect or an alternative **duty to act** which focuses on taking appropriate action in relation to child abuse and neglect. This consultation also seeks views on whether the scope of these possible changes should extend to vulnerable adults.

#### Background

3. The launch date of the consultation was 21 July 2016. Responses are required by 13 October 2016. The consultation seeks views about whether it is necessary to introduce one of two possible new legal requirements focused on reporting and acting on child abuse and neglect in addition to the Government's programme of whole system reforms.
4. The consultation covers all forms of suspected and known child abuse and neglect. The geographical scope of the consultation is England only. This consultation is particularly interested to hear from children and young people; social care, education, criminal justice, and healthcare practitioners; the police; and from victims and survivors of child abuse.
5. There is currently no general legal requirement on those working with children to report either known or suspected child abuse or neglect. Statutory guidance, however, is very clear that those who work with children and families should report to the local authority children's social care immediately if they think a child may have been or is likely to be abused or neglected.
6. While statutory guidance does not impose an absolute legal requirement to comply, it does require practitioners and organisations to take it into account and, if they depart from it, to have clear reasons for doing so.
7. The following new statutory measures could be considered by the government:  
A mandatory reporting duty, which would require certain practitioners or organisations to *report* child abuse or neglect if they knew or had reasonable cause to suspect it was taking place; or a duty to act, which would require certain practitioners or organisations to *take appropriate action* (which could include reporting) in relation to child abuse or neglect if they knew or had reasonable cause to suspect it was taking place.

## Consultation

8. In order to express the views of all agencies who work with children in Gateshead, the Local Safeguarding Children Board has held a multi-agency meeting to include those from partner agencies such as police and health agencies. Their combined responses were submitted by the closing date of 13 October 2016. Additionally, each organisation that makes up the LSCB agreed to submit an agency response. The Council's response is submitted.
9. The Cabinet Members for Children and Young People have been consulted.

## Implications of the recommended option

### 10. Resources:

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms there are no direct financial implications arising from this report.
  - b) **Human Resources Implications** – There are no direct financial implications arising from this report.
  - c) **Property Implications** - There are no direct property implications arising from this report.
10. **Risk Management Implication** - The needs of vulnerable children in Gateshead will continue to be addressed under current legislation and council arrangements.
  11. **Equality and Diversity Implications** – None.
  12. **Crime and Disorder Implications** – None.
  13. **Health Implications** – None.
  14. **Sustainability Implications** – None.
  15. **Human Rights Implications** - None.
  16. **Area and Ward Implications** - None.

## Background Information

17. The consultation document and the corresponding consultation questions are attached to this report.

## Part E: Consultation questions

Please read the accompanying consultation document before you answer the following questions.  
The current child protection system

1. To what extent do you agree or disagree with the following statements about the current child protection system?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
Child protection training for practitioners should be improved so that they are better qualified and able to provide the right help at the right time to keep children safe.		x				
More needs to be done within the child protection system to encourage new and innovative systems to better protect children.		x				
Organisations with child protection responsibilities need to work better together.		x				
Practitioners and organisations with child protection responsibilities sometimes recklessly fail to take proper action (including reporting) to stop or prevent child abuse and neglect.				x		
Child abuse and neglect is generally under-reported by practitioners involved in children's lives.				x		

### Other measures that could be introduced

It is important to consider fully the consultation materials before answering the questions in this section. In order to inform your answers to these questions, you will need to balance evidence of potential positive impacts of mandatory reporting or a duty to act against possible risks and issues that may be associated with their introduction.

## The introduction of a mandatory reporting duty

The following questions seek your views on of the possible introduction of a mandatory reporting duty.

2. To what extent do you agree or disagree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
Mandatory reporting will generate more reports of suspected and known cases of child abuse and neglect.	x					
Increased reporting may divert attention from the most serious child abuse and neglect cases.	x					
Increased reporting could mean that abuse and neglect would be captured at an early point in a child's life.			x			
Mandatory reporting could have an adverse impact on the child protection system (e.g. impacting recruitment and retention of staff, creating a culture of reporting rather than acting, negatively impact the serious case review process).	x					
Mandatory reporting could dissuade victims from disclosing incidents of abuse and reduce 'safe spaces' for children.	x					
Mandatory reporting could lead to greater prevention and awareness of abuse and neglect.			x			
The introduction of a mandatory reporting duty would not in itself mean that appropriate action would be taken to protect children.		x				
A mandatory reporting duty would ensure that those best placed to make judgements about whether abuse or neglect is happening – i.e. social workers – do so.				x		

3. To what extent do you agree that the introduction of a mandatory reporting duty would directly improve outcomes for children?	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
				x		

4. Please outline any risks or benefits regarding the introduction of a mandatory reporting duty that haven't been articulated in the consultation.

Professionals may feel they have to report any small concerns with the result that the system would overload. Professionals working in areas where recruitment is already difficult (teaching and social work) may choose to leave the profession as the proposals may exert undue pressure.

### The introduction of a duty to act

The following questions seek your views on the possible introduction of a duty to act.

5. To what extent do you agree or disagree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
A duty to act could strengthen accountability on individuals and organisations in protecting children from abuse and neglect.				x		
A duty to act could have an adverse impact on the child protection system (e.g. impacting recruitment and retention of staff, and negatively impacting on the serious case review process).	x					
A duty to act on child abuse and neglect would be more likely to lead to better outcomes for children than a duty focused solely on the reporting of child abuse and neglect.			x			
A duty to act allows professionals discretion to decide what action should be taken to best protect children in each case.			x			
The focus of sanctions for the duty to act on deliberate or reckless failures would ensure that those responsible for the				x		

very worst failures in care would be held accountable.						
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6.	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
To what extent do you agree that the introduction of a duty to act would directly improve outcomes for children.				x		

7. Please outline any risks or benefits regarding the introduction of a duty to act that haven't been articulated in the consultation.
All services that work with children already have a statutory duty to safeguard children. The proposed duty to act needs to be more thoroughly thought through and the implications explained before some of the questions in this consultation can be answered meaningfully. Additionally, Children's Safeguarding Services have been through a continual series of changes in recent years. There needs to be a period of consolidation before any further changes are introduced.

8. Having considered the issues outlined in the consultation and your answers above, which of the following would be most preferable? Please choose one option only.

	Please Tick
Allowing the package of reform measures focused on improving how the whole system responds to child abuse and neglect to be implemented before considering the introduction of additional statutory measures.	x
The introduction of a mandatory reporting duty focused on increasing the reporting of child abuse and neglect.	
The introduction of a duty to act; focused on taking appropriate action in relation to child abuse and neglect, with sanctions for deliberate and reckless failures.	

### Scope, accountability and sanctions

This section is optional and relates only to the possible introduction of a mandatory reporting duty or a duty to act.

9. If a new statutory measure is introduced, do you agree with the following elements of the proposed scope?

	Please Tick
Apply to all forms of child abuse and neglect (including online abuse and grooming).	x
Apply to both suspected and known child abuse and neglect.	x
Apply to abuse or neglect encountered during the course of a practitioner's day-to-day role only.	x
Apply to abuse or neglect within the home and within organisations or institutions, e.g. boarding schools.	x
Apply to present day abuse and neglect only (i.e. it would not apply retrospectively).	x
Apply to children under 18 only.	x
Be triggered if a practitioner had "reasonable cause to suspect" a child was being abused or neglected, or was likely to be abused or neglected.	x

10. If there are aspects of the proposed scope that you disagree with, or you would like to provide further information to support your answer to question 9, please do so here:

It is difficult to disagree to any of the above questions if a new statutory measure is introduced. One cannot rule out some forms of child abuse or suspected child abuse. There is statutory guidance currently in place that covers duty to safeguard children, which covers all of the areas in question 9.

11. If you believe new statutory measures should extend to adults, please provide further information, taking into account the existing wilful neglect offence.

It is not thought that the new statutory measures should apply to children.

12. Should the proposed activities outlined in paragraphs 65–68 of the consultation and table 1 be included if a new statutory measure were to be introduced?

Yes

13. Please provide your views, noting if any activities listed should be removed, and if there any other activities that should be included.

Boarding Schools  
 Sports and Leisure Activities; Football Clubs, Brownies, Scouts etc  
 Faith Schools  
 Faith Settings; Churches, Mosques, Synagogues  
 Independent Care Organisations – such as those who offer carers in the homes of families.  
 Charities offering counselling, therapy, care or family support, for example, Barnados or NSPCC.

14. If a new statutory measure is introduced, where do you think accountability should rest (see paragraphs 69–70 of the consultation)?

	Please Tick
At an individual level.	
At an organisational level.	x
At both an individual level and an organisational level.	

15. If a new statutory measure is introduced, what do you think the type of sanction should be if it is breached (see paragraphs 71–74 of the consultation)?

	Please Tick
Existing practitioner and organisation specific sanctions only.	x
Existing practitioner and organisation specific sanctions <b>plus</b> additional sanctions involving the Disclosure and Barring Service (available only at an individual level).	
Existing practitioner and organisation specific sanctions <b>plus</b> criminal sanctions.	

16. Please provide further information about the reasons for your answers to the above questions on scope, accountability and sanctions, if you would like to do so.

The DBS is an existing sanction if a person has been implicit in the abuse of a child.

**Additional information**

17. Please detail any additional information that you feel should be taken into account in this consultation. This could include, but is not limited to:

- the operational impact of introducing a new statutory measure including on small businesses such as nurseries or children's homes;
- how the new duty should interact with the existing FGM mandatory reporting model; and
- any additional research/evidence not referred to in the consultation document.
- the operational impact of extending either of the statutory measures to vulnerable adults

If introduced, the new statutory measures should apply to all practitioners working with children and families in both the private, public and third sector. It should include organisations such as boarding schools, independent and faith schools, faith settings and charitable groups, both on a local level and the national children's charities who offer support to children and families.

Businesses offering support to children and families should not be exempt as the same rules would need to apply to the public, private and third sector.

The new duties should equally apply to sports organisations and organisations providing recreational activities for children such as scout groups.