

## A RESPONSE ON BEHALF OF NAPAC

### **Open consultation**

#### **Reporting and acting on child abuse and neglect**

*Home Office and Department for Education*

**First published** 21 July 2016

Consultation closes 13 October 2016 12:00pm

**<https://www.gov.uk/government/consultations/reporting-and-acting-on-child-abuse-and-neglect>**

### **Summary**

***This consultation seeks views on the possible introduction of mandatory reporting of child abuse and neglect or a duty to act in relation to child abuse or neglect.***

*The consultation sets out the government's wide-ranging programme of reform to provide better outcomes for vulnerable children. It seeks views on the possible introduction of one of 2 additional statutory measures:*

- *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*
- *a duty to act, which would require certain practitioners or organisations to take appropriate action in relation to child abuse or neglect if they knew or had reasonable cause to suspect it was taking place*

*The consultation responds to the aims set out in the [Serious Crime Act 2015](#) and [tackling child sexual exploitation report](#), published in March 2015.*

*The government will consider all responses to the consultation carefully before deciding on next steps.*

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## **A Summary of NAPAC's Response**

The National Association for People Abused in Childhood (NAPAC) is the UK's leading national charity offering support to adult survivors of all types of childhood abuse, including physical, sexual and emotional abuse and neglect. Our national support line is free from UK landlines or mobiles: 0808 801 0331.

NAPAC took 5,457 calls on our support line last year and received over 400 emails requesting support (June 2015 - May 2016). We run intensive 12-week psycho-educational support groups for survivors. NAPAC has also trained over 200 professionals in the last six months on how best to support adult survivors – these professionals cover areas such as health professionals, police, the prison service, housing officers, addictions workers and many others.

## **MANDATORY REPORTING**

NAPAC supports the introduction of a mandatory reporting duty, which would place a legal requirement on certain designated professionals and organisations to report child abuse or neglect if they knew or had reasonable cause to suspect it was taking place. We believe this should apply to vulnerable adults, too.

## **MANDATED REPORTERS**

The ONS crime survey showed that the average age of victims when child sexual abuse started was 10 years old <sup>Ref 1</sup>. This makes clear the important role primary school teachers have in detecting and reporting signs of abuse. They already have an existing 'duty' to report which isn't backed by law. Teachers and healthcare professionals should be mandated reporters.

These are the highest priority groups, because of the amount of time children spend in school and the increased likelihood of abused children presenting health problems of some kind. Healthcare professionals are already mandated by law to report cases of female genital mutilation (FGM). The list of those designated as mandated reporters could be increased in future.

## **RECKLESS FAILURE TO REPORT**

The Children's Commissioner report in Nov 2015 estimated that 7 out of 8 cases of child abuse are not coming to the attention of the authorities <sup>Ref 2</sup>. It is very unlikely that anyone other than the child and the abuser will know for sure that abuse is occurring, therefore those currently failing to report are more likely to be not doing so because of uncertainty rather than recklessness. Therefore, the approach of training mandated reporters should be to

- help them understand when to report
- be clear on how to do so.

## **RESOURCES AND QUALITY**

NAPAC hears daily from adult survivors about how the abuse they suffered has led to mental health problems, relationship breakdowns and issues which prevent them from working as adults.

If the current 'duty to report' system was working, then the introduction of law would make no difference. But evidence shows a four-fold increase in substantiated reports of child abuse

when mandatory reporting was in place; the evidence compared two similar populations – one with (Australia) and one without (Ireland) mandatory reporting. Ref 3.

Therefore, the introduction of mandatory reporting would need to be preceded by additional resources to train mandated reporters and for social services and police to handle an increased case load. These resources can be met from the savings created by children not ending up in care and reduced health impacts on individuals throughout their lives.

The risk of ‘systems’ burden’ isn’t borne out the evidence from other countries which have introduced mandatory reporting. The evidence is that mandatory reporting leads to better quality reporting over time, earlier intervention and support, and reduces the harm done to children.

## DUTY TO ACT

NAPAC does not support the introduction of a duty to act, which would require certain practitioners or organisations to take ‘appropriate action’ in relation to child abuse or neglect if they knew or had reasonable cause to suspect it was taking place. ‘Appropriate action’ is not defined. We believe an unspecified requirement to act is unhelpful and legally unenforceable and the open ended nature the requirement is confusing. A duty to act would not lead to better outcomes for children.

## REFERENCES

1. Abuse during childhood: Findings from the Crime Survey for England and Wales, year ending March 2016  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/abuse-during-childhood/findings-from-the-year-ending-march-2016-crime-survey-for-england-and-wales>
2. Children’s Commissioner (November 2015) *Protecting children from harm: a critical assessment of child sexual abuse in the family network in England and priorities for action*  
<http://www.childrenscommissioner.gov.uk/learn-more/child-sexual-exploitation-abuse/protecting-children-harm>
3. Soc. Sci. **2014**, 3(3), 460-482; doi:[10.3390/socsci3030460](https://doi.org/10.3390/socsci3030460)  
**Mandatory Reporting Laws and Identification of Child Abuse and Neglect: Consideration of Differential Maltreatment Types, and a Cross-Jurisdictional Analysis of Child Sexual Abuse Reports, Ben Mathews**  
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