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Mandatory reporting of child sexual abuse

The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the *Children Act (2004)*. The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. It is just three months since the last government consultation on a new mandatory reporting duty of child sexual abuse (CSA) ended. The outcome of this exercise has not been published yet the current consultation asks many of the same questions.

Whilst ADCS has previously raised concerns about the risks of introducing a mandatory reporting duty in this space, we recognise that this is now government policy. However, a rushed, poorly scoped and under resourced policy could adversely affect the very children it seeks to protect if support is not available when sought and convictions are not forthcoming via the courts. It may impact on workforce recruitment and retention, which is extremely challenging across a number of key professions, destabilising vital public services.

And, if children's social care departments are overwhelmed by defensive referrals from undertrained professionals who fear losing their job, the risks of harm to many more children will rise. A sharp increase in activity at the 'front door' has been seen in other countries and jurisdictions where similar duties have been introduced or expanded.

The latest consultation states the objectives for introducing the duty are to address underreporting of CSA, starting a national conversation about this crime, ensuring better support and protection for victims, upskilling staff working with children and young people and addressing organisational failures and cover up. ADCS members are concerned that initial plans for the new duty are too focused on crime and justice responses overlooking opportunities to stop abuses from happening at all and the importance of early intervention and support. The accompanying impact assessment also does not account for the growing challenges facing the children's social care system, including finances, the recruitment and retention of social workers and the sufficiency of placements for children in care.

The *Independent inquiry into child sexual abuse (IICSA)* ran for several years and heard evidence from thousands of adult victims and survivors who suffered terrible abuse in their childhoods, however, this duty will apply to the children of today. A child-friendly version of the consultation has not been made available and we are not aware of parallel work to capture children and young people's views, which is a significant gap. Work with the wider children's workforce, and safeguarding partners, to understand training needs and the best reporting routes or processes for key professions and holders of positions of trust has similarly not been undertaken to date.

For all these reasons, ADCS members support the considered development of a green paper and the rooting of the planned new duty in dedicated children's legislation that centres safeguarding and support. We understand there is already legislative time earmarked for this purpose early in the next parliamentary term linked to the *Independent review of children's social care* and the government's response to this, *Stable homes built on love*.

As leaders of children's services we want to reiterate the dangers of rushing the design of such a duty. A summary of concerns about the current approach, and the related risks, are as follows:

- A lack of transparency about the outcome of the last consultation on a new duty, which closed in August 2023
- The duty is to be added to the new *Criminal Justice Bill* as an amendment at a later date, which limits opportunities for scrutiny and risks unintended consequences
- A delay in commencing the new duty will leave a gap during which behaviours will start to shift ahead of guidance being available, new funding being released etc.
- Grey areas in definitions or unclear guidance could make children less safe by overwhelming the front door to children's social care with defensive notifications
- Considerable increases in contacts and referrals to children's social care will uncover new need requiring a response. This has not been factored into planning or costings so far
- We know there are gaps in specialist support services for children experiencing sexual abuse, particularly for boys and children with additional needs and disabilities, which is not addressed in either planning or costings to date
- As already stated, children and young people's voices and views have not been included in the development of the duty and plans to date
- The duty centres individuals undertaking regulated activity with children which risks omitting key public figures; IICSA had an extensive focus on this group e.g. TV and celebrity figures
- The exemption of 13 – 16-year-olds in consensual relationships "where there is no risk of harm present" could act as a loophole for abuse to continue if adults do not recognise that a child cannot consent to their own exploitation and abuse. Training, advice and guidance must include a focus on child sexual abuse and exploitation
- The duty does not yet link to related strategies e.g. violence against women and girls
- There is also an absence of focus on stopping abuses taking place at all and early intervention via relationships and sex education in schools, for example, or wider efforts to address entrenched societal attitudes and norms
- The impact assessment estimated the costs to children's social care alone could be up to hundreds of millions of pounds over 10 years yet only £57 million has been initially allocated to implement the policy across all agencies and public services
- The impact assessment seems to focus on the administrative costs of processing contacts and referrals rather than the ongoing provision of help and support to children and families
- The impact assessment does not yet include training costs despite the government's own CSA strategy (Home Office, 2021) recognising that professional uncertainty and a lack of confidence is a key factor in the under-reporting of abuse.

Members of ADCS would welcome further discussion with representatives of the Home Office, the Department for Education and Ministry of Justice on this important issue. Please contact the relevant policy officer via email at katy.block@adcs.org.uk to arrange.