



The Lord Marks of Henley-on-Thames QC

House of Lords
London
SW1A 0PW

MoJ ref: 71235

30 July 2019

Dear Jonathan,

SECOND READING OF THE VICTIMS OF CRIME (RIGHTS, ENTITLEMENTS AND NOTIFICATION OF CHILD SEXUAL ABUSE) BILL

My noble friend Lady Barran agreed to write to you with the reasons the Government rejected a duty for mandatory reporting.

The Government is committed to protecting children and improving how the whole system responds to child abuse and neglect.

As you know, mandatory reporting is a legal requirement imposed on certain groups, practitioners or organisations to report child abuse and neglect. There is no specific statutory duty in England to report concerns about child abuse or neglect. However, statutory guidance (*Working Together, 2018*, and *Keeping Children Safe in Education, 2018*) is 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. Practitioners and organisations are required to follow this guidance unless they have good reasons for not doing so.

In 2016 the Government consulted on reporting and acting on child abuse and neglect, including potentially introducing new statutory measures. The consultation responses, and other evidence considered, did not provide clear evidence to show that introducing a mandatory reporting duty or a duty to act would help to keep children safe.

Only 25% of respondents favoured introducing a duty to act, and only 12% favoured the introduction of mandatory reporting. The majority of respondents (63%) said we should continue to implement the child protection reforms set out in *Putting Children First (2016)* before considering making further legislative change in this area.

Respondents indicated that introducing a mandatory reporting duty would bring with it a range of risks, actually impacting negatively on the identification of abuse and neglect. For example:

- an increase in reports may divert attention from the most serious cases,
- undermining effective practice by instilling risk-averse behaviours rather than empowering the workforce to make better decisions, and

- deterring victims from disclosing abuse.

In our 2018 response to the consultation, we set out a range of additional measures to raise awareness of the need to report abuse. We ran a communications campaign *Together we can tackle child abuse* in 2016, 2017 and 2018, encouraging members of the public to have the confidence and knowledge to recognise and report child abuse and neglect. We have introduced a stronger statutory multi-agency framework, increasing accountability on the three key agencies involved in safeguarding children – namely local authorities, the police and the health service – to work together to protect and promote the welfare of children in their area. We have introduced compulsory Relationships Education for all primary pupils and compulsory Relationships and Sex Education (RSE) for all secondary pupils in England. In addition, we have produced updated *Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers* and are investing in the Child Protection Information Sharing (CP-IS) system to share information between health settings and local authorities.

We continue our reforms to the child protection system because we want to ensure that children get the right support and protection. In the meantime, we will consider the extent to which emerging evidence supports the case for change. This includes monitoring evidence from the Independent Inquiry into Child Sexual Abuse and on mandatory reporting from other countries, including Wales, learning from past cases where children have been let down, and assessing whether the current legislative framework is able to deal with the wilful concealment of child abuse and neglect.

If new evidence strongly suggested that that a mandatory reporting duty was likely to improve outcomes for children then the Government would consider introducing it.

I am sending a copy of this letter to all Peers who spoke in the debate and will place a copy in the House Library.

Yours sincerely,

A handwritten signature in black ink that reads "Ken of Elie". The signature is written in a cursive, slightly stylized font.

RT HON LORD KEEN OF ELIE QC