



## **Wales Safer Communities Network response to: Home Office Consultation- Mandatory reporting of child sexual abuse**

Closed 14 August 2023

This consultation was submitted electronically on the 10/08/2023.

Please find a copy of the responses submitted:

**Q1: To help us analyse our responses, could you please tell us in what capacity you are responding to this consultation. As a...**

- Other

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

Wales Safer Communities Network (members from Local Authority, Police, Probation, Fire Service and Third Sector)

**Q2. If you are responding on behalf of an organisation, what is your role within that organisation?**

- Manager

**Q3. 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.**

- Prefer not to disclose

Your ethnic origin

- Prefer not to disclose

**Q4. In sharing findings from this consultation, may we quote from your response?**

- Yes – attribute to my organisation



## Section 1: Who the duty should apply to

**Q5. 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):**

- Appropriate
- **Too narrow**
- Too broad
- Don’t know

Please provide details to explain your response:

It was felt too narrow as it misses out some key people with involvement with children and young people such as scout, girl guides, brownies, cadets and sports clubs. Anyone with regular contact with children and young people through organised activity in the community should be required to report child sexual abuse where known or suspected.

**Q6: At what level should mandatory reporting apply?**

- 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

**Q7: [If respondent selected ‘Only at an organisational level (bodies, institutions or groups)’ or ‘Both individual and organisational level’ in response to the above question] Which organisations or groups should it apply to?**

All organisations and groups who work with or have regular contact with children and young people (including religious organisations) it should apply to. Whether through regulated activity, as trusted parties under legislation or as volunteers or activities that fall outside of these two limited groups. The differences may not be noted or known by the children themselves. They should not be at a disadvantage for telling an adult they trust, at an activity they attend, who is not mandated to report.

**Q8: If there was a mandatory reporting duty at an organisational level, should those impacted be required to report on their activity annually?**

- **Yes**
- No



- Don't know

**Q9: [If respondent selected 'Yes'] What form should that reporting take?**

They should be expected to provide information on training undertaken with staff and volunteers, the processes in place to ensure compliance, and how they are relevant for the types of activities and/or services that they provide.

The collection of information on number of CSA reports may not be appropriate as there may be no disclosures within a year to some organisations, and any disclosures that turned out to be false or were discounted as below thresholds would be counted. If this was made a reporting requirement then there could be unintended consequences as the numbers rather than the victims themselves become the focus. If an organisation is deemed strong on safeguarding and specifically CSA due to numbers reported, if there are links to exploitation then that perception may assist in exploiting an increased number of children. There could also be a risk around data protection if they are a small organisation it may allow families to be identified before investigations and any court proceedings have concluded.

**Section 2: Scope of the duty**

**Q10: Should a mandatory duty to report go beyond the scope recommended by the Inquiry and cover other/all types of abuse and neglect?**

- Yes
- No
- Don't know

**Q11: [If respondent selected 'Yes'] Which types of abuse and/or neglect do you think should be covered?**

We think it would be appropriate for it to cover all forms of child exploitation and abuse. The justification for this opinion is that other forms of exploitation and abuse can be precursors to child sexual abuse, so earlier reporting could prevent escalation to sexual abuse.

**Q12: What impacts (positive or negative) do you think a mandatory reporting duty would have on:**

- Children choosing to make a disclosure, either partially or in full-  
They should have the assurance that something will be done to prevent it from happening again and that it won't be dismissed or ignored and if not that they can report that person for not disclosing.



- Individuals within scope of the duty reporting known / suspected incidents-  
It should have limited impact as there is already a duty to report, but it may make them more aware of the requirement and encourage compliance. When a similar consultation was carried out in Wales there was some concern that it could impact on recruitment and retention in the sectors and organisations falling within scope. The suggestion to expand to a wider group we think would part mitigate this concern.
- Organisations within scope of the duty reporting known / suspected incidents-  
It should have limited impact as there is already a duty to report, but it may make them more aware of the requirement and encourage compliance.
- Individuals outside the scope of the duty reporting known / suspected incidents-  
They may think it is not their responsibility and that it is down to someone else. This may risk it not being reported, which is why we think it should be on all individuals who work, volunteer or have regular community engagement or activities with children and young people.
- Organisations outside the scope of the duty reporting known / suspected incidents-  
They may think it is not their responsibility and that it is down to someone else. This may risk it not being reported, which is why we think it should be on all organisations who work or have regular engagement with children and young people.
- Agencies in the wider safeguarding system that are required to respond to reports of abuse-  
There may be an increase in resource capacity that is required but given there is already a requirement to report there should be limited increase in reports of abuse. If there were additional reporting within current capacity then there is an argument that the current resource would be stretched and less serious cases may not receive the attention they require, however as child sexual abuse in our opinion is always serious the risk of what appears a less serious incident may result in missing signs of something worse or enable escalation for either that child or for additional children.
- Members of the public-  
This is a wide group and therefore it is difficult to identify the impacts other than that it will demonstrate that abuse will not be tolerated and action will be taken when there is known or suspected child sexual abuse.



**Q13: At what level of knowledge should a mandatory reporting duty apply?**

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

The current duty is for known and suspected incidents, there are specific procedures that are followed to gather evidence for the criminal justice system carried out by trained individuals. If someone else carries out an investigation, then they risk making mistakes which could lead to any criminal case having to be dismissed. Leaving no justice for the child or young person and the perpetrator being free to carry on without consequence.

**Q14: What should be considered a ‘disclosure’ of abuse?**

Anything that a child or young person says or communicates through other means that indicates that they may have been abused. It is important that it is not limited to speech as not all children have language skills or the vocabulary but can still be subjected to abuse.

All disclosures should be taken seriously and legislation should provide an end of instances where victims are disbelieved, mocked or shamed. Any disclosure should be taken seriously so it can be investigated through proper means and channels, and if this is not the case then there will be consequences for the individual and organisation the disclosure was made to.

**Q15. 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?**

Option to score 1-10 [*1: low confidence, 10: fully confident*] **8**

This is difficult to specify as the response is on behalf of a Network which involves a range of members from the public and third sectors. Whilst we would hope that the score is nearer fully confident, we are unable to say that for definite. However, due to the nature of the work of those in community safety we think the score above is appropriate. It would not be appropriate for the person drafting this response to provide their own personal response in regard to this question when the whole response is on behalf of a wider membership.

**Q16. How would you rate your sector’s current level of confidence in spotting indicators of child sexual abuse?**

Option to score 1-10 [*1: low confidence, 10: fully confident*] **8**



We would never want to claim full confidence as there are always improvements that can be made. We would not want complacency within the sector which could lead to mistakes being made and opportunities for spotting indicators missed. Having said that due to the nature of community safety work and the crossover with child exploitation, our sector and practitioners are more aware of the indicators than many other departments, organisations and sectors.

### **Section 3: Sanctions for failure to report**

#### **Q17. What is your view on the Inquiry's proposal that a breach of the mandatory reporting duty should constitute a criminal offence?**

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

As there is already a duty which should be complied with, it was the view at the workshop with community safety leads, that this legislation was only required for those who were not already complying with the duty. Therefore, this appears appropriate as the lack of reporting could be enabling the child or young person to be further abused, or for other children and young people to become victims of the same individual or group of perpetrators.

The Welsh Government provided its own response to the IICSA final report ([available online](#)) which agreed in principle with the recommendation 13. As the Wales Safer Communities Network we are aware that we have member organisations and bodies from the devolved and reserved sectors operating side by side across the community safety landscape. We would therefore like to raise the importance of good engagement between the two Governments to reduce any potential ambiguity when it comes to child sexual exploitation.

#### **Q18: 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)?**

- **Yes**
- No
- Don't know

There should be action undertaken by regulators and where there are professional qualifications or bodies, they should be removed from the registration list and



banned from being added again in the future. If they are in regulated activity, then they should be added to the children's list as their actions may have enabled further victims of the abuse or the extension of abuse for that child or children if more than one is involved (such as siblings or friends).

**Q19: What is your view on the exception to the duty described in the recommendation (to avoid capturing consensual peer relationships)?**

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

This was felt to be a dangerous position to take which could dilute the message. There needs to be a clear message that the age for consent is 16 and anything else is unacceptable. There is some evidence that county lines is incorporating sexual exploitation and with this exception would allow perpetrators within those age brackets to claim an exception leaving the victim and others at risk of further incidents of sexual abuse.

It could leave the door open for certain forms of child abuse pornography. Specifically, where both parties involved in the physical act fall within this exception age bracket and it is then shared for financial or other gain for the use of paedophiles, it could appear to sit within the exception by the person mandated to report without the knowledge that it was being shared.

**Q20: Is this exception likely to cause any particular difficulties?**

- **Yes**
- No
- Don't know

It will dilute the message and suggest that it is appropriate for sexual activity before the age of consent in some circumstances. It could risk increased exploitation and abuse rather than reduce it. Especially as those who use exploitation often imply a relationship as part of the entrapment and coercion, through activities such as love bombing. There is a large difference between a 16 year old and a 13 year old in both sexual, emotional and physical (skeletal and muscle) maturity.



**Q21: Do you think there should be any other exceptions to the duty which mean sanctions should not be applied?**

- Yes
- **No**
- Don't know

We do not think there should be any exceptions as they provide opportunities for mixed messaging and for exploitation and abuse to continue by providing a get out option for perpetrators.

**Section 4: How to ensure successful implementation**

**Q22: 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?**

- Yes
- **No**
- Don't know

The duty already exists and should therefore be a requirement already for many of our members. The mandatory reporting adds a direct known consequence of not complying.

**Q23: 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.**

- **Yes**
- No
- Don't know

In regard to all children and young people it should be positive in stopping any abuse from continuing or from more victims being subject to the abuse. Whilst any child can be the victim of sexual abuse it is a gender-based crime with the Office for National Statistics providing a 80%/20% girl / boy split in 2018/19 for recorded incidents, so any positive impact and reduction is likely to benefit girls more.

**Q24. 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?**

There should be some form of anonymity and there are already tools and powers available to prevent harassment. However, there should be a way to monitor if someone is using the system by making false reports to harass or intimidate others.





This is important as it may be a sign that they are involved in some form of exploitation themselves where they are trying to put space between their target and those protecting them.

**Q25: Should any additional reforms should be implemented to ensure that a mandatory reporting duty successfully safeguards and protects children?**

- **Yes**
- No
- Don't know

As mentioned earlier in this response we think that it should be expanded to include all forms of exploitation and abuse of children and not limited to child sexual abuse.

If the duty to report is already being applied then the mandatory reporting will not make any changes to safeguard and protect children. Therefore, we think it is important to also look at how other improvements could be made, such as improved information sharing; better multi-agency working; better assessments; better decision making; and better working with citizens at all stages of their engagement with the safeguarding system.

**Q26: Where should reports be made to?**

- Local Authority
- Police
- elsewhere (please specify)

Reporting should continue as is the current situation which enables a partnership approach and wrap around services.

**Q27: 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?**

- Yes
- No
- Maybe
- **Don't know**

There is already a requirement to report within 24hours so it is unclear why there is confusion over the timescales.



**Q28: Would your organisation need to make any changes in order to ensure the successful implementation of a mandatory reporting duty?**

- Yes
- **No**
- Don't know

Those we engaged with as part of the Network are already subjected to the duty to report, the only activity would be to update training and knowledge that non-compliance with the duty would carry consequences through criminal justice.

**Q29: Would you as an individual need to make any changes in order to ensure the successful implementation of a mandatory reporting duty?**

- Yes
- No
- **Don't know**

Given this response is on behalf of a Network then it is not appropriate to respond on an individual nature on behalf of our members. However, as the Wales Safer Communities Network we would need to update our website for clarity and ensure any policies within our host organisation included the adjustment.

**Q30: Are there any concerns, including the need for additional support, that you would like to flag for your sector?**

- **Yes**
- No
- Don't know

Resources for potentially dealing with an increased in reporting if that were to take place, including for an increase in advocacy services to support victims. Additional training and updating of policies and procedures to take into account any changes in legislation.

**Q31: Are there any additional considerations to ensuring that your sector's workforce or volunteers can meet any new mandatory reporting responsibilities?**

- Yes
- **No**
- Don't know



As mentioned previously due to the nature of community safety the existing duty to report already is in place.

**Q32: Besides introducing mandatory reporting, are there any changes that could improve disclosures / reporting / investigations and prosecution of child sexual abuse?**

Improvements could be made to the court system to reduce the impact and potential retraumatising of a child with clear boundaries on acceptable behaviour from those accused or representing those accused of child sexual abuse. There should be no opportunity for victim blaming or shaming especially when a child under the age of consent is the victim.

We also think it is important to look at how other improvements could be made, such as improved information sharing; better multi-agency working; better assessments; better decision making; and better working with citizens at all stages of their engagement with the safeguarding system.

**About you**

Full name: Sarah Capstick

Job title: Business & Network Development Manager

Date: 10/08/2023

Company name/organisation: Wales Safer Communities Network, hosted by WLGA

Address: One Canal Parade, Dumballs Road, Cardiff CF10 5BF