



30 November 2023

## **To: Home Office - NPCC Mandatory Consultation Response**

In recognition of the consultation regarding the introduction of a new mandatory reporting duty, we are writing this letter to surmise the NPCC position and support subsequent policy decisions.

Overall, the NPCC is committed to improving the way in which policing identifies and responds to child abuse in partnership with other key agencies and the public. We welcome Government focus and investment in this area and the progression of recommendations from the Independent Inquiry into Child Sexual Abuse (IICSA). Critical to this is that action taken here docks fully into wider system development work including the 'stable homes built on love' proposed reforms and revisions to working together guidance. No single agency can tackle child abuse alone. Doing so requires joined up approaches from national policy making down to local service delivery.

With regards to the proposals to introduce a Mandatory Reporting duty, the NPCC recognise the testimonies bravely provided by survivors of Child Sexual Abuse and Exploitation (CSAE) during IICSA, their calls for this duty and the clear message/ accountability a duty could provide to ensure allegations are acted on. When considering the introduction of a prospective duty, it is important also to consider how the child safeguarding system and environment which children are growing up in has changed and the existing safeguarding framework. For example, policing currently records around 30,000 CSAE crimes every 3 months, a fourfold increase from ten years ago. It is likely this is a consequence of a combination of factors including improved recognition/ identification by the police and partners. Teenage ownership of smartphones is nearly ubiquitous and this is in part leading to changes in the profile of offenders / offending with the opportunities this provides to connect, share imagery and access pornography. Just over half of offences reported to the police now involve children offending against other children. Given this it is important that the views of children and young people are sought around proposals and during any subsequent implementation to understand and track prospective impact. Their voice is commonly missing in the evidence. Importantly, given the existing growing/changing profile of offending and what evidence indicates is the wider prevalence rate, a wider focus on prevention is needed.

Within this and previous consultations, the prospective need and arguments both for and against introducing a mandatory duty have been well set out and concluded by IICSA. We welcome the steps taken in the latest proposals and attempts to develop a proportionate set of proposals which balances the needs of children, those in positions of trust and wider system challenges. The focus of this response is to focus on some of the nuance within proposals where further consideration is required and



critically draw out the system needs in terms of implementation support. Enabling successful implementation requires targeted planning, investment and tracking.

### **Proposals to introduce duty for direct disclosure or witnessed abuse**

Where direct disclosures of child abuse are made, the moral and statutory requirement for those in positions of trust to take appropriate action including making a safeguarding referral are clear. Unfortunately, as evidenced in IICSA and other reviews, there are occasions when this requirement has not been met. Reasons for this may not be binary and can involve not believing the child, not knowing what to do and individual / organisational self-interest taking precedent. Current police crime data indicate progress has been made but we recognise that more needs to be done and importantly the need to support our own workforce and wider partners in this area. A targeted duty in this space with an associated criminal sanction for those who deliberately obstruct or seek to hide abuse feels a relatively proportionate proposal for targeting of an enhanced duty. We welcome the exemptions proposed and would draw particular attention to the need to ensure proposed exemptions relating to teenage children where sexual activity is illegal but may be consensual / exploratory are included and this extends across all forms of child sexual abuse including indecent imagery of children should this be included. It is critical this element is well implemented and understood to reduce the risk of over criminalisation of children but also conversely ensure that cases which have aggravating features are shared and that appropriate action is taken. It is important that activity around this is synchronised with work being taken forward by the Dept for Education post the Ofsted review of sexual abuse in schools and colleges with particular consideration of how schools handle reports proportionately, when to involve police and the support required around this.

It is important to recognise also that child sexual abuse may often not get directly reported by children or take place where it could be witnessed due to the techniques deployed by perpetrators to silence and control victims. Identification of this relies upon those around the child including safeguarding professionals identifying and responding to warning signs. Enabling disclosures and targeting support may require time and a trusted relationship to be developed. We do not believe this should be the target of a duty but do welcome the proposals for continued work in in this area. This should include research to improve our understanding and the precision of warning signs.

### **Specific considerations:**

#### **Implementation**

An additional duty, if well implemented, could help reduce the number of future missed cases or provide a form of restitution subsequently for those affected. We recognise the forecast provided by HO and the estimate that this should be a relatively small number of cases based on the parameters set. However, this is dependent on implementation which the forecast does not currently factor in with regards to investment costs. It is imperative that implementation receives targeted

investment and subsequent tracking to maximise chances of success and ensure the safeguarding system is able to target support to those most in need. Matters of particular note include:

- How expectations relating to the duty are communicated consistently across those individuals affected and embedded across partners. This includes:
  - Professionals – A need for simple and clear communication on the duty requirements, its importance, how this complements existing responsibilities and the exemptions proposed. We encourage the creation of a shared video / training resources on this which can be utilised across partnerships and which includes the ‘voice of the child’. We would welcome working alongside Government on this and its important that there is a subsequent drive to ensure embedded into existing guidance and where possible investment to support delivery.
  - Children – A need to ensure changes are communicated to children and wrapped into PSHE curriculum content to enable informed engagement.
  - Wider public – how members of public and families are informed and subsequently equipped to keep children safe, prevent abuse and have the confidence to report when needed,
- The potential vicariously for the number of safeguarding concerns / referrals relating to CSAE to significantly increase as a result of introducing this duty. This links back to implementation but also the importance of tracking the subsequent impact of any duty on reporting levels and enabling targeted investment and where needed correction. Longer term formal evaluation would also be of benefit supported by a clear definition of what success looks like from outset.
- Linked to previous points and the data already presented on the significant rising demand profile and wider reported pressures on children services/ partnerships. It is critical that partnerships are equipped to effectively handle referrals received, that these are subject to multi agency risk assessment and services are subsequently aligned to need. Multi Agency Safeguarding Hubs (MASH) or front doors can and do provide a critical function in this but lack investment, evaluation and national standards relating to good. There remains large local variability in approach and opportunities to invest and develop practice, training and standards should be explored. Levels of understanding and application of local thresholds across partnerships is a critical linked element and ensuring resilience in front doors to undertake effective initial risk assessment and targeting of action. Without targeted and coordinated implementation investment, there is a risk that need is not met and children experience further /enhanced traumatisation.
- Opportunities to test and develop practice in this space should be a specific consideration as part of wider work on children social care reforms.
- Continued and heightened investment in strategic safeguarding partnerships and improving their ability to discharge their functions, gather and use data and improve practice.

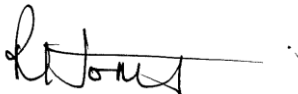
Without investment in implementation including support for meeting the associated training requirements, wider supporting structures and subsequent tracking / ongoing review there is a risk that an additional duty has minimal impact or in more extreme scenarios puts children and professionals at greater risk. Opportunities to use forecast and wider tracking to influence future treasury investment should be explored.

We note concerns raised by other partners around the extent to which the duty covers key partners and professions including private counsellors, psychotherapists and helplines and would support further consideration here. We also note legal assessments relating to police integration into duty and how this interacts with existing responsibilities and matters of operational independence. In principle proposals feel complimentary to existing safeguarding standards and crime recording requirements but request that further legal exploration and advice should be sought and compared

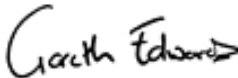
We remain committed to working with HM Gov on work in this area and wider drives to improve the response to child abuse and protect those in need.



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