

Deadline for submission 13th October 2016

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



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4th October 2016

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Reporting and acting on child abuse and neglect consultation

Safeguarding Unit

Home Office

5th Floor, Fry Building

2 Marsham St

London SW1P 4DF

Dear Sir/Madam

Reporting and acting on child abuse and neglect consultation

Thank you for the opportunity to respond to this important consultation. With a membership of over 425,000 registered nurses, midwives, health visitors, nursing students, health care assistants and nurse cadets, the Royal College of Nursing (RCN) is the voice of nursing across the UK and the largest professional union of nursing staff in the world. RCN members work in a variety of hospital and community settings in the NHS and the independent sector. The RCN promotes patient and nursing interests on a wide range of issues by working closely with the Government, the UK parliaments and other national and European political institutions, trade unions, professional bodies and voluntary organisations.

We consulted widely with our members. While a few members felt there should be mandatory reporting, this was not the viewpoint of the majority of respondents. The evidence accompanying the consultation clearly highlights that the level of reporting

in England is greater than in those countries where mandatory reporting is already in existence. This is supported by international research and reviews of other systems in place. Learning from the experience of other countries is crucially important. Members reported concerns that the introduction of mandatory reporting could divert attention and resources away from the most serious cases. Overwhelmingly members felt that there was a need to look at barriers prohibiting professionals to report or act on child abuse or neglect, rather than introducing more legislation and compulsion into the system which would not necessarily result in appropriate action being taken to protect children.

Members highlighted that while more could be done within the child protection system to encourage innovations to better protect children, it was recognised that there had been many recent changes as a result of social work reforms. It was felt that the impact of these needed to be assessed before considering the introduction of further changes. In respect of child protection education and training for those working in 'health' it was reported by our members that there was a very effective and comprehensive intercollegiate document used to guide the level and content of training needed for different 'health' roles¹. There is recognition that serious case reviews often highlight areas, in which with hindsight, practitioners could have acted differently in order to protect or safeguard a child. Many of our members highlighted the importance of ensuring access to safeguarding supervision for frontline practitioners for this very reason. Serious concerns have been raised in the availability of safeguarding supervision in respect of potential proposed cuts to health visiting, school nursing and looked after children's nurses as a result of public sector funding pressures. Our members highlighted that some of the worst failures have been due to inadequate and inappropriate resourcing of key frontline practitioners.

In respect of the introduction of a duty to act our members quite rightly highlighted that registered nurses, midwives and health visitors already have a duty to act as outlined in the Nursing and Midwifery Council code² and faced consequences of not acting to safeguard children and young people. The NMC code was revised in 2015 and clearly states that registrants must

'17 Raise concerns immediately if you believe a person is vulnerable or at risk and needs extra support and protection

To achieve this, you must:

17.1 take all reasonable steps to protect people who are vulnerable or at risk from harm, neglect or abuse

17.2 share information if you believe someone may be at risk of harm, in line with the laws relating to the disclosure of information, and

17.3 have knowledge of and keep to the relevant laws and policies about protecting and caring for vulnerable people'³

¹ Safeguarding children and young people: roles and competences for health care staff...
https://www2.rcn.org.uk/__data/assets/pdf_file/0008/474587/...

² <https://www.nmc.org.uk/standards/code/>

³ <https://www.nmc.org.uk/standards/code/read-the-code-online/>

These requirements relate to vulnerable adults, as well as children and young people. Our members also reported that in addition to organisational disciplinary mechanisms, as well as regulatory body actions, criminal sanctions would be used if it were felt there was a criminal case to answer. Overall our members feel sanctions are already in place should professionals fail to act to protect or safeguard children, young people and vulnerable adults.

We would strongly suggest that there is a need to look at barriers prohibiting professionals to report or act on child abuse or neglect, as well as the supportive mechanisms and systems that enable such barriers to be overcome.

I hope the above information is helpful to you. Please do not hesitate to make contact if you wish to discuss or seek further clarification.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Fiona Smith', written in a cursive style.

Fiona Smith

Professional Lead for Children and Young People's Nursing
Royal College of Nursing

Royal College of Nursing response: Reporting and acting on child abuse and neglect consultation

The current child protection system

1. To what extent do you agree or disagree with the following statements about the current child protection system?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
Child protection training for practitioners should be improved so that they are better qualified and able to provide the right help at the right time to keep children safe.	X Please see comment in covering letter					
More needs to be done within the child protection system to encourage new and innovative systems to better protect children.						X Social work reforms introduced have yet to be evaluated. We would urge Government to undertake robust evaluation before considering further changes to systems and processes
Organisations with child protection responsibilities need	X					

to work better together.						
Practitioners and organisations with child protection responsibilities sometimes recklessly fail to take proper action (including reporting) to stop or prevent child abuse and neglect.			X We do not have evidence to judge. However we do not believe this to generally be the case			
Child abuse and neglect is generally under-reported by practitioners involved in children's lives.			X We do not have evidence to judge. However we do not believe this to generally be the case.			

Other measures that could be introduced

The introduction of a mandatory reporting duty

The following questions seek your views on of the possible introduction of a mandatory reporting duty.

2. To what extent do you agree or disagree with the following statements?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
Mandatory reporting will generate more reports of suspected and known cases of			X Evidence indicates that in comparison with other countries where mandatory			

child abuse and neglect.			reporting is already in place that reporting in England is already greater			
Increased reporting may divert attention from the most serious child abuse and neglect cases.	X					
Increased reporting could mean that abuse and neglect would be captured at an early point in a child's life.			X We do not have evidence to judge but do not necessarily believe this will be the case.			
Mandatory reporting could have an adverse impact on the child protection system (e.g. impacting recruitment and retention of staff, creating a culture of reporting rather than acting, negatively impacting the serious case review process).		X Mandatory reporting could potentially create a culture of reporting which may have a negative effect on the system				
Mandatory reporting could dissuade victims from disclosing incidents of abuse and reduce			X			

'safe spaces' for children.						
Mandatory reporting could lead to greater prevention and awareness of abuse and neglect.			X We do not believe this will necessarily be the case. Greater emphasis on organisational and individual training and education is crucial			
The introduction of a mandatory reporting duty would not in itself mean that appropriate action would be taken to protect children.	X As previously noted there is a need for full evaluation of the system and processes entailed, including evaluation of the changes already in track as part of the social work reforms. Any changes need in systems and processes need to be fully resources					
A mandatory reporting duty would ensure that those best placed to make judgements about whether abuse or neglect is happening – i.e. social workers – do so.			X The introduction of mandatory reporting in itself will not do so. There is a need to ensure staff have the knowledge, skills and competences. A key issue will be			

			ensuring sufficient staff and other resources are in place, as well as shared thresholds and understanding of differing perspectives			
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3. To what extent do you agree that the introduction of a mandatory reporting duty would directly improve outcomes for children?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
			X We do not have evidence to judge but do not necessarily believe this will be the case.			

4. Please outline any risks or benefits regarding the introduction of a mandatory reporting duty that haven't been articulated in the consultation.

Please see our covering letter

The introduction of a duty to act

The following questions seek your views on the possible introduction of a duty to act.

5. To what extent do you agree or disagree with the following statements?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
A duty to act could strengthen accountability on individuals and organisations in protecting children from abuse and neglect.				X See covering letter		
A duty to act could have an adverse impact on the child protection system (e.g. impacting recruitment and retention of staff, and negatively impacting the serious case review process).			X See covering letter			
A duty to act on child abuse and neglect would be more likely to lead to better outcomes for children than a duty focused solely on the			X See covering letter			

reporting of child abuse and neglect.						
A duty to act allows professionals discretion to decide what action should be taken to best protect children in each case.			X See covering letter			
The focus of sanctions for the duty to act on deliberate or reckless failures would ensure that those responsible for the very worst failures in care would be held accountable.				X See covering letter		

6. To what extent do you agree that the introduction of a duty to act would directly improve outcomes for children?

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
			X See covering letter			

7. Please outline any risks or benefits regarding the introduction of a duty to act that haven't been articulated in the consultation.

8. Having considered the issues outlined in the consultation and your answers above, which of the following would be most preferable? Please choose one option only.

	Please tick
Allowing the package of reform measures focused on improving how the whole system responds to child abuse and neglect to be implemented before considering the introduction of additional statutory measures.	X see covering letter
The introduction of a mandatory reporting duty focused on increasing the reporting of child abuse and neglect.	
The introduction of a duty to act, focused on taking appropriate action in relation to child abuse and neglect, with sanctions for deliberate and reckless failures.	

Scope, accountability and sanctions

This section is optional and relates only to the possible introduction of a mandatory reporting duty or a duty to act.

9. If a new statutory measure is introduced, do you agree with the following elements of the proposed scope?

A new statutory measure, should, if introduced:

	Please tick
Apply to all forms of child abuse and neglect (including online abuse and grooming).	X
Apply to both suspected and known child abuse and neglect.	X
Apply to abuse or neglect encountered during the course of a practitioner's day-to-day role only.	
Apply to abuse or neglect within the home and within organisations or institutions, e.g. boarding schools.	X

Apply to present day abuse and neglect only (i.e. it would not apply retrospectively).	
Apply to children under 18 only.	X
Be triggered if a practitioner had “reasonable cause to suspect” a child was being abused or neglected, or was likely to be abused or neglected.	X

10. If there are aspects of the proposed scope that you disagree with, or you would like to provide further information to support your answer to question 9, please do so here:

See covering letter

11. If you believe new statutory measures should extend to adults, please provide further information, taking into account the existing wilful neglect offence.

See covering letter

12. Should the proposed activities outlined in paragraphs 65–68 of the consultation and table 1 be included if a new statutory measure were to be introduced?

No

13. Please provide your views, noting if any activities listed should be removed, and if there any other activities that should be included.

See covering letter

14. If a new statutory measure is introduced, where do you think accountability should rest (see paragraphs 69–70 of the consultation)?

	Please tick
Existing practitioner and organisation specific sanctions only.	X
Existing practitioner and organisation specific sanctions plus additional sanctions involving the Disclosure and Barring Service (available only at an individual level).	
Existing practitioner and organisation specific sanctions plus criminal sanctions.	

16. Please provide further information about the reasons for your answers to the above questions on scope, accountability and sanctions, if you would like to do so.

See covering letter

17. Please detail any additional information that you feel should be taken into account in this consultation. This could include, but is not limited to:

- the operational impact of introducing a new statutory measure including on small businesses such as nurseries or children’s homes;
- how the new duty should interact with the existing FGM mandatory reporting model; and
- any additional research/evidence not referred to in the consultation document.
- The operational impact of extending either of the statutory measures to vulnerable adults

