

Mandatory reporting and a duty to act

Cafcass (the Children and Family Court Advisory and Support Service) is a non-departmental public body sponsored by the Ministry of Justice. The role of Cafcass within the family court is to: safeguard and promote the welfare of children; provide advice to the court; make provision for children to be represented; and provide information and support to children and families.

A key responsibility for our 1300 social workers is to identify safeguarding concerns and, if required, make child protection referrals to the local authority. This applies to all children that we come into contact with through our work, not just those who are subject to court proceedings, and all types of risk of significant harm to children, including any risk of self-harm or suicide.

As the employer of the largest number of children's social workers of any organisation in the UK, we have concerns about the effect of the introduction of mandatory reporting or a 'duty to act'. We have consulted staff on the proposed changes, and have set out our concerns below.

1. The evidence base for mandatory reporting

We are not convinced that mandatory reporting will improve the child protection system. The existing research from countries that have implemented the policy, such as the USA and Australia, is inconclusive. Research from Australia on domestic and family violence and mandatory reporting found unintended consequences including the ability of services to handle the resulting increased referrals, confusion among services about what needed to be reported, and victims concerned about confidentiality. This was also the case in Munro and Parton's research, which found that professionals were spending more time processing and investigating concerns that did not meet the threshold for intervention, and that mandatory reporting did not improve the quality of services provided to children.¹

When we discussed the proposals with our practitioners, they reported that the difficulties they encounter within the child protection system do not primarily relate to reporting, but are more likely to relate to: family members not sharing concerns; high staff turnover at the frontline; and the heightened awareness among the general public for reporting concerns. Our view is that resources could be better spent on prevention and early intervention, and improving tools for professionals to respond to concerns.

2. Impact on a child protection system that is already overwhelmed by demand

We have concerns about the impact of mandatory reporting on a child protection system that is experiencing unprecedented demand for services alongside a reduction in available resources. Cafcass data for 2015/16 showed that 12,741 care applications, involving 21,666 children, were made between April 2015 and March 2016. This is the highest ever recorded number of applications, and a 14% increase on the number of applications made in 2014/15. Mandatory reporting could further increase the number of families referred to local authorities. Our practitioners shared with us concerns that mandatory reporting could result in slower interventions for children at highest risk, due to the potential for a greater number of families within the system.

¹ Eileen Munro and Nigel Parton (2007), 'How far is England in the process of introducing a mandatory reporting system?' in *Child Abuse Review*, 16(1), pp. 5-16.

3. The extent of the requirements on professionals

Our view is that sufficient sanctions are already in place to ensure individuals or organisations who do not report child abuse concerns are held to account, and there is a risk that the proposed changes could lead to greater difficulties in social worker recruitment. Existing processes include professional bodies who can hold members to account through disciplinary processes, statutory guidance, criminal and civil law, and organisational requirements. We would welcome greater clarity on when and how a professional would know when they have fulfilled their duty; the expectations of a duty to act need to be set out clearly for professionals to confidently understand what is expected of them.

As part of our development as an organisation, we have moved from a rigid, prescriptive model of supervising practitioners to a higher trust model promoting greater professional autonomy. In our first national Ofsted inspection in 2014, Cafcass was judged to be 'good', with inspectors citing that our staff are good at identifying any risks to children and young people.

We accept there are some organisations and settings where mandatory reporting would ensure that abuse of children or potential abuse was referred out rather than being closed down. However, we think it is impossible to specify the types of service or setting to which mandatory reporting would apply and the impracticality of such a measure leads us to conclude it could not be coherently proceeded with.

4. The effect of multiple concurrent changes to the child protection system

To conclude, we question whether there is a need to introduce mandatory reporting and a duty to act when so much work is already underway to make the child protection system safer. Our view is that it would be beneficial to assess the impact of these improvements, listed in the consultation paper, before deciding whether any additional action is required. This would include the intention to assess and accredit all social workers by 2020 and how this will impact on the quality of services for children and their families.

Finally, when we asked our practitioners what they believe should be the priorities for tackling child abuse, they felt the focus should not be on sanctions but on:

- Creating a culture where the protection of children is seen as more important than individual/business objectives.
- Encouraging professionals to share their concerns across sectors - "If in doubt, share" and creating an easier public climate for professionals to raise genuine concerns without being accused of over-reacting or under-reacting.
- Improved training for professionals, and more awareness campaigns for the general public.
- Introducing named individuals within organisations, who are independent and trained in child protection. Concerns could be directed to that person initially who could assess which concerns need further investigation. This model is in place in many professions and settings but could be extended to other groups of professionals and para-professionals.
- Affording better protection to whistle-blowers and, if necessary, anonymity in order to share concerns.