



Responding to cases of child abuse and neglect consultation

The Children's Society Response

1. Introduction and summary of key messages

The Children's Society is a leading charity committed to improving the lives of thousands of children and young people every year. We work across the country with the most disadvantaged children through our specialist services and children's centres. Our direct work with vulnerable groups including missing children, children in or leaving care, refugee, migrant and trafficked children, children affected by child sexual abuse and exploitation allows us to listen to the most vulnerable children and put their voices at the centre of our work.

We run 11 projects supporting young people in care and 13 specialist projects working with children who run away or go missing and/or are at risk or victims of sexual exploitation. We also run services that deliver emotional support, psychological interventions and counselling for children who have experienced domestic abuse and/or sexual exploitation. Many of the children we support are very vulnerable young people who have come into contact with child and family social workers on numerous occasions. Our services also support older teenagers at risk of homelessness.

This response is informed by learning from our direct work with children and young people, research and consultation with staff and young people involved in our services.

Summary of key messages

- We believe that the key objective for any change in social care or child protection provision should be achieving better outcomes for children tailored around each child's individual needs. It is our concern that the consultation document does not provide sufficient detail to understand how a new proposed duty would translate into practice and lead to better outcomes for children.
- We recognise that although there are many examples of good practice in effective safeguarding of children in local authorities, there are also still too many examples of children falling through the gaps in services and not getting timely response to keep them safe. The quality of responses varies from case to case, from agency to agency and geographically. We believe that to achieve a positive change a shift in cultural and organisational approaches to safeguarding children is needed across all organisations working with children.
- Based on our consultation with staff and young people involved in our services we feel that the proposed 'duty to act' placed on leadership of all organisations working with children under the age of 18 could help achieve the cultural shift needed and clarify best practice in responding to children affected by abuse and neglect. 'Duty to act' in our view would send a more positive and empowering message than mandatory reporting duty.
- However, it is also our view that a new duty cannot be introduced effectively unless certain conditions are met. To achieve the positive change needed the government must make available sufficient resources to implement a new duty in a way that would lead to better outcomes for children. This would mean providing the resources which would be required to ensure that additional training was provided to all professionals working with children on how to spot and respond to signs of different forms of neglect and abuse. It would also mean ensuring that services are available across the country to provide necessary support to children and families who need help - from early help

services in cases of suspected neglect or abuse, to intensive interventions in cases of known abuse or neglect.

- We believe that equipping professionals with the skills, knowledge and resources they need to help children affected by abuse and neglect is the best way to ensure that professionals act in a timely and appropriate manner to keep children safe, and to maintain a stable workforce. We believe that professional sanctions and disciplinary responses already in place for professionals working with children are sufficient to address cases where individual professionals fail in their professional roles. We do not recommend any new or additional sanctions on practitioners working with children if a new duty is introduced. We believe that a new duty to act should be used as an opportunity to clarify existing best practice regarding the application of existing professional sanctions on all practitioners who fail to act appropriately in cases of known and suspected abuse or neglect.
- We recommend that if any new or additional sanctions are considered they should be applied to senior leaders within organisations and should only be applied when there is an organisational failure to act in cases of known abuse or neglect. In such cases, we would not object if deliberate or reckless failures to act on known abuse or neglect, or cover up abuse or neglect in institutions, was made subject to the possibility of criminal sanctions on senior leaders in those organisations.
- If the decision is made to introduce a new duty to act, the government needs to consult further on what response will be required from different organisations working with children in cases of suspected abuse or neglect, and to clarify the roles and responsibilities to assess, manage and report suspected abuse and neglect. Secondly, clarification will be needed on the circumstances under which the duty to act should translate into referrals to social services - ensuring consistent referral thresholds across the country. The new duty should work in the context of the Working together guidance and help cement the best practice in safeguarding children across the country.
- We are concerned that the introduction of a new duty could impact on children's confidence to come forward and seek help. We are disappointed that this consultation offered very limited opportunity to children and young people who have experience of safeguarding services to share their views on changes under consideration. We would urge the government to make a commitment to consult as widely as possible with children and young people and their families when considering further details of a possible new duty, and The Children's Society would be happy to offer our help facilitating such consultations.
- Whilst we strongly support the need to improve safeguarding responses to children who are experiencing neglect and abuse, we also believe that more can and must be done to prevent abuse and neglect happening in the first place. We call on the government to do more to address root causes that contribute to children's experiences of abuse and neglect, such as poverty and inequality. Alongside a new duty on organisations to act on abuse and neglect there should be concerted efforts from national and local government to ensure adequate provision of services, and to improve support for families to reduce poverty.

2. Responses to child abuse and neglect: key issues that need to be addressed

2.1. Training for professionals

It is vitally important that children and young people receive social care support of the highest standard. Support should be consistent and adequate to help them stay safe, develop and flourish. We believe that the key objective for any change in social care or child protection provision should be achieving better outcomes for children tailored around each child's individual needs and ensuring consistency and stability of services. We know through our local relationships that great work is being done in some areas and this should not be overlooked.

However, there are still too many cases where children do not get timely help they need. Young people we consulted with believe that *'the response is not good enough because there are children still not being protected'*. That view is supported by our own research and numerous cases across the country.

Learning from cases where children have been failed by systems and structures, or did not receive timely support, points to the lack of shared knowledge and understanding of what constitutes child abuse and neglect. We are concerned that currently the level of training is variable and is frequently not sufficient, and many professionals, particularly those outside social care, may not be able to spot the signs that a child is being abused or neglected. Knowledge and understanding of professionals of different forms of abuse and neglect varies considerably across different professions. While recently there has been more focus on raising awareness and improving responses to child sexual exploitation, understanding of others forms of abuse such as emotional abuse and of neglect needs to improve.

From our own work and research on issues related to adolescents we have been asking for greater focus on adolescents experiencing neglect and abuse both in training for professionals and in safeguarding policies. We believe that currently this group of children are often at risk of not receiving the support they need due to mistaken beliefs that they are sufficiently resilient to cope independently with problems in their lives.

Our research study, *Safeguarding Young People*, conducted with the University of York and the NSPCC, found that professionals often perceive adolescents to be less at risk of harm than younger children (and sometimes believed that they put 'themselves at risk'). Professionals also thought that adolescents were more able to cope with the effects of maltreatment – that they developed resilience by default as they became older (a misunderstanding of the concept of resilience). They also falsely believed that teenagers were more likely to remove themselves from abusive situations. These misperceptions can result in significant safeguarding issues and risk for young people because professionals wrongly believing that adolescents can cope without help.

Our "Seriously Awkward" campaign is specifically aimed to draw attention to 16 and 17 year olds who are at risk of experiencing sexual abuse or exploitation further highlights how this group falls through the gap because they are offered less protection in legislation and are more difficult to engage with services.

Recommendation:

- *In our view a new duty should only be introduced if there are sufficient resources made available to implement it in a way that would lead to better outcomes for children. Ensuring that good quality training is available to all staff members in organisations covered by the new duty, including training on neglect, sexual abuse, and physical abuse, emotional abuse, sexual exploitation and other forms of abuse and neglect, is one of the paramount conditions for the introduction of a new duty.*

2.2. Capacity of the system to respond to cases of abuse and neglect.

Professionals' ability to spot cases of abuse and neglect is further worsened by recent cuts affecting the availability of services for children in need of support, and leading to both an increase in professionals' workloads and higher thresholds for referrals to social care services.

We are particularly concerned that funding reductions to local authority budgets have significantly impacted on early intervention services, and our recent research shows that further reductions are expected in the coming years. These services are crucial in addressing the mild to moderate needs of children and families, preventing their problems from escalating.

Our joint report *Losing in the Long Run* published in collaboration with Action for Children and National Children's Bureau questions the sustainability of further cuts and examines the amount of money central

government is giving to local authorities for early intervention services. Our analysis found that Government funding for early help services is expected to be cut by 71%, from more than £3.2 billion to less than £1 billion, between 2010 and 2020, leaving children and families without the early support that often stops their problems spiralling out of control. Children's centres, teenage pregnancy support, support for families with disabled children, information and advice for young people and family support are among some of the vital services that are affected by the cuts. Without the provision of early help, the needs of vulnerable children and young people may escalate to the point the need an intervention from social care services.

Another example of the lack of support for vulnerable children is the lack of mental health support for children affected by neglect and abuse. Approximately 200,000 young people are referred to specialist mental health services each year¹. The Children's Society's *Access Denied*² report found that children with serious mental health problems are often forced to wait up to five months to get help as services struggle to cope with rising demand. The report showed that vulnerable groups of young people such as children in care and those who have experienced abuse and neglect are not being adequately supported in their journey through Child and Adolescent Mental Health Services (CAMHS). For example, less than half (47%) of trusts have clear pathways set up for referrals of children who have experienced sexual exploitation despite the recent national focus on this issue. Many children face delays in accessing CAMHS due to rigid criteria, poor referral pathways and long waiting times both for an assessment and treatment.

The introduction of a new duty to act could put additional pressure on services already under severe strain. The provision of additional resourcing necessary to support implementation of any new duty would therefore be a vital prerequisite for its effective introduction.

Recommendations:

- *Introduction of a new duty needs to be underpinned with detailed analysis of how it impacts on budgets for services, and should be undertaken only if sufficient additional funding is made available to address this. In our view a new duty should only be introduced if there are sufficient resources made available to implement it in a way that would lead to better outcomes for children.*
- *Another condition for the introduction of a new duty is to ensure that services are available to help children and families identified as being in need of support. To this end, additional assessments of the availability of services across the country - including early help services- would be needed prior to such a duty being introduced. If current service provision is found to be inadequate, additional resources must be made available in order to address this, including resources for early help services.*

2.3. Increasing level of need

Social care statistics shows a year on year increase in the number of children who require support from children's services both as children in need and those in care system. Although better research is needed to understand key causes for the increase in the numbers of children who require safeguarding response, we know that in areas with higher levels of poverty and deprivation, there are a number of additional risks that children face. For example, our research not only highlights the impact living in such areas has on child's wellbeing, but also demonstrates increased risks of children being targeted for sexual abuse or other forms of exploitation.

The evidence suggests that child poverty has risen over the course of the last Parliament, and that it is set to continue to rise. The latest child poverty figures³ from the Department for Work and Pensions found that 3.9 million children were living in poverty in the UK in 2014-15. That is 200,000 more children than 2013-14 and equates to 9 children in every classroom, or 29% of all children. Two thirds of children growing up

¹ <http://www.childrenssociety.org.uk/what-we-do/resources-and-publications/access-denied-a-teenagers-pathway-through-the-mental-health>.

² Ibid.

³ <https://www.gov.uk/government/statistics/households-below-average-income-199495-to-201415>

in poverty live in a family where at least one member is in work, this is a 4% increase on last year's figures.

The Government is in the process of introducing a large number of changes affecting benefits, tax credits, income tax liabilities, and earnings. The combination of this reduction in support raises concerns about the potential negative impact on outcomes for children, including (as our *Poor Mental Health*⁴ report showed) children's mental health, and the capacity of parents to provide adequate support for their children.

Recommendation:

- *Whilst we strongly support the need to improve safeguarding responses to children who are experiencing neglect and abuse, we also believe that more can and must be done to prevent abuse and neglect happening in the first place. We call on the government to do more to address root causes that contribute to children's experiences abuse and neglect, such as poverty and inequality. Alongside a new duty on organisations to act on abuse and neglect there should be concerted efforts from national and local government to ensure adequate provision of services and support for families to reduce poverty and narrow the inequality gap.*

3. Ensuring consistent responses, and reforming organisational cultures.

Children and young people we consulted with urged that *'changes are needed because there are so many bad cases in the news'*. However, they pointed that some of the key reasons that children are not getting help included that *'police, social workers, teachers are not talking to each other'* and that different professionals may have different interpretation of abuse and neglect. They also raised concerns that children and young people do not always have a consistent professional they trust and feel able to talk to about their experiences.

Anecdotal evidence from our practice suggests that thresholds at which referrals to social care are accepted are rising and the turnaround of social care staff is high in many areas. The quality of response also varies from case to case, from agency to agency, and geographically.

Young people we consulted stressed that they would not want a new duty to turn into another 'tick box exercise' but instead would like to see concerted change in how all professionals see, treat and respond to children and young people, including ensuring that all organisations provide adequate training for professionals, support and supervision.

'Workers should be investigating further if they have suspicions'

'It is good that the responsibility will be on all people working with children and not just social workers'.

Recommendations:

- *We believe that to achieve a positive change a shift in cultural and organisational approaches to safeguarding children is needed across all organisations working with children. Based on consultation with staff and young people involved in our services we feel that the proposed 'duty to act' placed on the leadership of all organisations working with children under the age of 18 could help achieve the shift in organisational culture needed, and clarify best practice in responding to children affected by abuse and neglect. A 'Duty to act' in our view would send a more positive and empowering message than mandatory reporting duty.*
- *A new duty should come into place when all organisations covered by a duty receive sufficient training both on all forms of abuse and neglect and on a new duty.*
- *We believe that a new duty if introduced should cover all current cases of abuse and neglect and should apply to children under the age of 18. It should apply to all organisations providing services to children including private sector providers.*

⁴ https://www.childrenssociety.org.uk/sites/default/files/poor_mental_health_report.pdf

- *We believe that responsibilities to meet any new duty introduced should be placed on senior leaders within organisations working with children to ensure the cultural and organisational shift needed to keep children safe, and to achieve consistency of practice and clear lines of accountability within those organisations.*
- *We believe that equipping professionals with skills, knowledge and resources to help children affected by abuse and neglect is the best way to ensure that professionals act in a timely and appropriate manner to keep children safe, and to maintain a stable workforce.*

4. Need to clarify and establish best practice in responding to cases of suspected and known child abuse and neglect

Numerous serious case reviews highlight that there are still too many children who experienced abuse and neglect who were failed by social care, police, and other services involved in their lives. The most recent analysis of Serious Cases Reviews showed that there are pressure points at the boundaries into and out of the child protection system, where cases are ‘stepped up’ from universal and targeted services and ‘stepped down’ from child protection and children in need. Cases are being closed too soon, or lack ongoing support from services, allowing issues in children's lives to escalate⁵.

Recent reports from joint inspections show that where the risks to a child are clearly established or where a disclosure of abuse is made by a child, social services and other agencies are responding in a more joined up and consistent way than in cases where abuse or neglect is suspected but a child is not willing or not able to understand the risks they experience.

We believe that children should receive help as early as possible. An introduction of a new duty to act can offer an opportunity to identify and establish in law, the best practice which already exists in responding to both cases of suspected and known child abuse and neglect.

Recommendations:

- *If the decision is made to introduce a new duty to act, the government needs to consult further on what response will be required from different organisations working with children in cases of suspected abuse or neglect and clarify the roles and responsibilities to assess, manage and report suspected abuse and neglect.*
- *Clarification will also be needed on when the duty to act will translate into referrals to social services ensuring consistent referral thresholds across the country. The new duty should work in the context of the Working together guidance and help cement the best practice in safeguarding children across the country.*

5. Ensuring that voices of children inform further changes

One of the issues that was raised in conversations with young people we consulted with was the potential impact that the introduction of a new duty to report may have on children's confidence to seek help from professionals outside social care. Young people raised concerns that reporting:

‘may create trauma for families because they have to go through the process and it might not be true’

‘can put a child in further danger, especially if they have been threatened by the abuser’

‘can scare people off’

‘you could be wrong about your suspicions’

⁵https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/533826/Triennial_Analysis_of_SCRs_2011-2014_-_Pathways_to_harm_and_protection.pdf

Young people expressed strong views that in cases of suspected abuse or neglect social workers may not be best placed to work with a child to enable them to communicate what is happening. They felt that additional intervention from social services could put families and young people off and this may result in escalation of problems for a child. Other professionals, (such as family support workers), were seen as more approachable and able to build longer lasting relationships. This needs to be taken into consideration in relation to the introduction of a reporting duty. It also shows how important it is to ensure that non-statutory services are properly resourced and available.

While the group of young people we consulted with cannot be seen as representative of the views of all young people receiving response from safeguarding services, it shows how important it is to ensure that experiences of young people are heard and taken into consideration when any new change is implemented.

Recommendation:

- *We are disappointed that this consultation offered very limited opportunity to children and young people who have experience of safeguarding services to share their views on changes needed. We would urge the government to make a commitment to consult as widely as possible with children and young people and their families in considering further details of a possible new duty and The Children's Society would be happy to offer our help facilitating such consultations.*

6. Sanctions

We believe that professional sanctions and disciplinary responses already in place for professionals working with children are sufficient to address cases where individual professionals fail in their professional roles. There is already a major problem of staff retention in children's social care, and we are concerned that any additional sanction may contribute to people leaving their professions or not choosing professions working with children.

Additionally, we believe the reasons behind ineffective safeguarding response are often structural and organisational rather than residing with an individual professional. We are also concerned that additional focus on practitioners could risk individuals being held solely responsible for whole organisational failings.

Professor Munro's review of the child protection system identified key changes that need to take place to make the child protection system efficient. These included:

- improving the knowledge and skills from initial training through to continuing professional development.
- building a more responsive child protection system with clear lines of accountability helping a wide range of professions to work together well in order to build an accurate understanding of what is happening in the child or young person's life, so the right help can be provided.
- Improving local multi-agency systems and supporting local agencies with monitoring, learning and adapting their practice.
- looking at child's journey from needing to receiving help, with focus on how the rights, wishes, feelings and experiences of children and young people inform and shape the provision of services, and look at the effectiveness of the help provided to children, young people and their families.
- securing sufficient provision of local early help services for children, young people and families.

These issues remain pertinent now and still need to be addressed.

We do not recommend any new or additional sanctions on professionals if a new duty is introduced. We believe that a new duty to act should be used as an opportunity to clarify existing best practice regarding

the application of existing professional sanctions on all practitioners who fail to act appropriately in cases of known and suspected abuse or neglect.

Instead, we recommend that if any new or additional sanctions are considered they should be applied to senior leaders within organisations and should only be applied when there is an organisational failure to act in cases of known abuse or neglect. In such cases, we would not object if deliberate or reckless failures to act on known abuse or neglect, or cover up abuse or neglect in institutions, was made subject to the possibility of criminal sanctions on senior leaders in those organisations.

Recommendations

- *We believe that the best way to improve how professionals respond to cases of known and suspected abuse and neglect is through training and education and ensuring that appropriate supervision and support is provided at all levels. Existing professional disciplinary measures should continue to apply to individual professionals but we do not believe that additional sanctions on professionals would lead to improving response to vulnerable children.*
- *A duty to act should be used as an opportunity to clarify existing best practice regarding the application of existing professional sanctions on all practitioners who fail to act appropriately in cases of known and suspected abuse or neglect.*
- *We recommend that if any new or additional sanctions are considered they should be applied to senior leaders within organisations and should only be applied when there is an organisational failure to act in cases of known abuse or neglect. We would not object if deliberate or reckless failures to act on known abuse or neglect, or cover up abuse or neglect in institutions, was made subject to the possibility of criminal sanctions on senior leaders in those organisations.*

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