



2013/0057455POSoS

Rt Hon Michael Gove MP
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

Dear Paula,

ZGIL September 2013

Thank you for your petition calling for a change in the law to better protect vulnerable children like Daniel Pelka.

Daniel's story is tragic and distressing and it is important that we understand what went wrong and why. In order to make sure that all lessons have been learned, and that children in Coventry are safe, my colleague, Edward Timpson, Parliamentary Under Secretary of State for Children and Families, has written to the Chair of the Coventry Safeguarding Children Board, asking that it set out the further steps it intends to take to understand why these failures happened. A copy of his letter is available at: tinyurl.com/oeek9ng.

Your petition calls for a change in the law to require professionals working in regulated activity to report abuse and neglect. You state that the reporting of abuse and neglect in this country is discretionary. That is not the case. Our statutory safeguarding guidance *Working Together to Safeguard Children 2013* is crystal clear that professionals should refer cases immediately to children's social care when they are concerned about a child. There is very little room for discretion.

This statutory guidance is issued to local authorities under section 7 of the Local Authority Social Services Act 1970 and, as such, local authorities have a duty to act in accordance with it. The guidance is also issued under sections 11 and 16 of the Children Act 2004 which means that all organisations and persons to whom those two sections apply, such as health professionals and police, must have regard to it when exercising their functions. *Working Together to Safeguard Children* also applies to other professionals, such as teachers, as listed in Chapter 2. Only in exceptional circumstances can the guidance be disregarded. I can see no exceptional circumstance which would justify not reporting that a child is suffering or likely to suffer harm and neglect.

I do not believe that making it a criminal offence not to report abuse and neglect is the answer. My department has reviewed the international evidence on 'mandatory reporting' and concluded that there is no evidence that it is a better system for protecting children. In fact, there is evidence that it can make children less safe. The evidence shows that mandatory reporting can result in large numbers of unsubstantiated cases, which cause distress to children and families. Social workers can spend too much time sifting through many more cases, which means that their attention is diverted from real cases of abuse and neglect. Confidential spaces for children to discuss concerns can be eroded, especially in the field of sexual health. Parents can also be less willing to discuss a concern with professionals for fear of being reported.


I agree, however, that more needs to be done to improve the capacity of professionals to recognise the early signs of abuse and neglect, and to respond quickly to the needs of individual children. That is why we are reforming the child protection system, to put the needs of children at its heart. We are reviewing social work training, and looking to recruit high-calibre entrants through the Step Up and Frontline programmes. We recently appointed the first Chief Social Worker for children to drive up standards in the profession. Our statutory guidance has clarified the core legal requirements on individuals and organisations to keep children safe.

In addition, Ofsted has revised its inspection framework, to place more emphasis on the experience of children themselves. We have also published a revised performance information framework, to shift the focus from processes and indicators to performance measures, which will help drive improvements locally.

I can assure you that our revised guidance for schools, *Keeping Children Safe in Education*, will not weaken the statutory responsibilities of staff working in schools. Rather, it will clarify and restate the existing requirements, in respect of promoting children's welfare and keeping them safe.

I believe the system we have in place is robust. All professionals working with children should follow the statutory guidance and should be very clear about their duty to report. I know that this cannot prevent the tragic suffering that has already occurred. I hope, however, that this letter provides reassurance that we take the protection of all our children very seriously and are taking all necessary steps to strengthen our system of child protection.

Thank you for writing to me on this very important matter.

Yours, 

MICHAEL GOVE