

Dear Michael Gove

Thank you for your letter of 25th September, in response to my petition for the introduction of new law to better protect vulnerable children like Daniel Pelka.

I have waited until after Coventry City Council's Extraordinary General Meeting on Thursday 10th October before responding to you, the outcome of which I will cover later in my letter.

I am reassured that Edward Timpson has asked the Coventry Safeguarding Children Board to 'dig deeper' and to provide a detailed account of why Daniel was so tragically let down, to complement the report we already have on how the system failed him.

I would like to address several points which underpin your argument against the introduction of Mandatory Reporting of child abuse in Regulated Activities.

1. Reporting abuse is not discretionary

You state that reporting of child abuse in this country is not discretionary because the statutory guidance is crystal clear that professionals should refer cases immediately...

This statement underlines a serious weakness in the system and supports the case for Mandatory Reporting in Regulated Activities. Current statutory guidance states that professionals 'should' refer cases immediately, not 'must' refer cases immediately – the advice offered does not constitute a requirement and there is no accountability attached. Clearly, responding to guidance requires a judgement call to be made by professionals when abuse is suspected; discretion is exercised as to whether or not to make a formal report.

Many factors can inhibit a professional from reporting suspected abuse e.g. self doubt, fear of getting it wrong, fear of upsetting management, fear of an assertive or aggressive parent, worry of causing more problems for a vulnerable child - all these reasons make discretionary reporting unsafe. Serious Case Reviews repeatedly show that professionals suspect abuse is occurring but fail to report it. Without a formal report to Children's Services (the LADO), nothing can happen – without a report, there is nothing for agencies to act on and communicate around. All too often, in spite of overwhelming evidence that a child is suffering or at risk, formal reporting does not take place and action to help the child is not initiated. In many Serious Case Reviews what appears to be forgotten is that without a formal report of suspected abuse, there is nothing to drive professional intervention. Even with the best communication systems, training and experience, the system will continue to be compromised where there is no legal obligation to report and no accountability for failing to do so.

You go on to say '*only in exceptional circumstances can the guidance be disregarded*' – isn't it the case that the system is currently based on the optimistic assumption that individuals will correctly interpret and follow guidance even in the most difficult circumstances, such as are inevitably presented when confronted with child abuse? What are the consequences for **not** correctly doing so? For the professional, none except regret; for the child, a terrible price is often paid for a system which confers responsibility without accountability. '*Duty*' to act is meaningless without legislative underpinning.

2. Mandatory reporting can make children less safe

The evidence shows mandatory reporting can result in large numbers of unsubstantiated cases, which cause distress to children and families.

Where such evidence exists, it is concerned with Mandatory Reporting laws which extend beyond Regulated Activities into familial settings. The Campaign for Daniel's Law supports the Mandate Now coalition of charities; Mandate Now is in favour of Mandatory Reporting in Regulated Activities **only**, so that 'professionals' who work and care for children in loco parentis are both required and supported by law to report suspicions and known abuse of a child. Such models have been working effectively in many countries including the US since 1963 and as close to home as Northern Ireland in educational settings since 2005, when the Junior Minister Barry Gardiner made the law work following the Cabin Hill School enquiry.

Peter Garsden, President of the Association of Child Abuse Lawyers, says our current framework is outdated. He advocates the introduction of Mandatory Reporting in Regulated Activities to help underpin a system in which we can have far greater confidence, because it delivers support for staff, together with the accountability that is currently nowhere to be found in the framework.

The Coventry Serious Case Review reports as follows:

- In the SERIOUS CASE REVIEW into the death of Daniel Pelka - in which no reports were made by school staff to Children's Services about the multiple and repeated bruising on Daniel's body including bruising to his neck which was consistent with strangulation (P 7.17 from the report) according to evidence given by a member of staff in Court - the author of the report sets a precedent at Clause 14.8 saying: **Unlike the UK, some countries have a process for mandatory reporting of child care concerns to government departments, which raises the question that if it existed here, whether injuries seen upon Daniel would have been independently reported by individuals to the authorities.**

The author of the report went on to tell press that he recommends Mandatory Reporting be considered as part of a national debate on child protection; he also observed that, had it been in place at the time of Daniel's suffering, Mandatory Reporting legislation 'may have given staff the confidence to report'.

There have been other significant calls for the consideration of Mandatory Reporting in Regulated Activities this year, as follows:

- In its review into allegations and intelligence material published by HER MAJESTY'S INSPECTOR OF CONSTABULARY in April under recommendation #3: **We consider that a system of mandatory reporting should be examined.**
- The HOME AFFAIRS COMMITTEE published a report in June into 'Child sexual exploitation and the response to localised grooming.' Recommendation #36 under the heading 'legislation' states: **We also recommend that the Government examine the Florida Protection of Vulnerable Persons Act passed in 2012 in order to ascertain whether the mandatory reporting of child abuse could, and should, be implemented in England and Wales.**

3. More needs to be done to improve the capacity of staff to recognise signs of early abuse

On this point, we are agreed. However, everyone who is paid to work with children cannot be provided with adequate training in this respect. It must be more efficient and effective to ensure suspicions of abuse are reported to trained officers, with the experience and expertise to assess individual cases and initiate whatever professional intervention is appropriate to best help children in distress and at risk.

You refer to the provision of confidential spaces in which for vulnerable children to speak out and this is naturally important. You might be interested to know that the NSPCC recently issued a report saying that it takes abused children an average of seven years to 'tell' – the younger the child is when the abuse starts, the longer it takes for them to disclose.

Daniel Pelka died, speaking little English, aged four years.

Vulnerable children 'normalise' abuse – people who are paid to act in *loco parentis* must be legally obliged to speak on their behalf.

4. All professionals working with children should follow the statutory guidance and should be very clear about their duty to report.

Your closing point again underlines the hole in the law which is at the root of my petition and call for change. Statutory guidance is not a legal obligation, reporting remains discretionary and duty is nothing more than a behavioural expectation. It seems reasonable to anticipate that professionals' best efforts might be compromised when they are faced with a range of conflicting pressures (as outlined in point 1 above – self doubt, fear of reprisal or recrimination, fear of adverse repercussions for the child etc) and a huge burden of responsibility in deciding whether or not to report suspected abuse. We need new legislation to give staff the confidence to report in what are always exceptionally difficult circumstances – the confidence that staff at Little Heath School clearly did not have.

Finally, let me come back to the Extraordinary General Meeting of Coventry City Council which took place on Thursday 10th October and where Council Leader Ann Lucas said:

"I believe we need a national debate around safeguarding issues with the setting up of a Commons Select Committee to take evidence from all concerned. From politicians, from front line workers, from all agencies, social workers, the police, health agencies including GPs, hospitals and health visitors, schools and experts working in domestic violence.

"It should ask if there should be mandatory reporting. Should there be a 'Daniel's Law'? Is there a case for a shared national database? Are enough resources being allocated by Government? Should there be ring-fencing?"

"I know this is a really complex issue but if any of us, as politicians, aren't prepared to face facts then I ask myself what is our purpose."

Coventry City Council is calling for a debate on Mandatory Reporting in Regulated Activities, together with the author of the Coventry Serious Case Review and the 63,000 people who have signed my petition so far – including MPs and councillors, charities and child abuse barristers, teachers, police, doctors, social workers, and parents like me who are shocked and dismayed to learn this law is not already in place.

It is not credible for anyone to assert that Mandatory Reporting in Regulated Activities would not have helped Daniel when no one formally reported that he was at risk. In spite of his multiple injuries, broken bones and black eyes, in spite of his desperate attempts to scavenge for food in full view of staff at his school, no one reported their concerns. To take just one specific example: we know Daniel's teacher suspected the strangulation marks on his neck were caused by his mother – should they have been reported? Might a report have prompted expert questioning from Children's Services about other concerns and led to the coordinated professional intervention that Daniel so desperately needed? I don't think there can be any reasonable doubt about this – action to save Daniel would have been taken, had a formal report been made.

Thank you for writing to me, and I hope you will ensure a debate on the long-needed introduction of Mandatory Reporting in Regulated Activities.

Yours sincerely

Paula Barrow

Campaign for Daniel's Law

CC Mandate Now and supporting MPs