

# **CLAS CIRCULAR**

## **2023/11 (23 May)**

### **Disclaimer**

**CLAS is not qualified to advise on the legal and technical problems of members and does not undertake to do so. Though we take every care to provide a service of high quality, neither CLAS, the Secretary nor the Governors undertakes any liability for any error or omission in the information supplied.**

It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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## SAFEGUARDING

### Government Response to the Final Report from IICSA

For information and possibly for action

The On 22 May, the Home Secretary made a [statement](#) on the [Government's response](#) to the final report of the Independent Investigation into Child Sexual Abuse. She told the House of Commons that the Government had accepted the need to act on 19 of IICSA's 20 recommendations (*but see our comment on the response to Recommendation 3*), though she also told the House that the Government's response was not the final word. It should also be noted that "accepting the need to act" on a recommendation is not precisely the same as accepting the recommendation in full.

Following is a summary of the Government's responses:

1. *A single set of core data relating to child sexual abuse and child sexual exploitation:* "We accept that robust data collection on the scale and nature of child sexual abuse is critical to underpin and drive a more effective response to child sexual abuse."
2. *Creation of a Child Protection Authority in England and in Wales:* "We accept the need for a stronger safeguarding system. We will ensure the relevant actions included within our reform programme, Stable Homes, Built on Love, fulfil this recommendation."
3. *Creation of a cabinet-level Minister for Children:* **rejected** in the terms on which it was offered (at least on my own reading of the response) on the grounds that "This role is already fulfilled through the work of the Secretary of State for Education."
4. *A public awareness campaign on child sexual abuse:* "We accept the importance of bringing child sexual abuse out of the shadows and creating more national awareness of the scale and nature of the issues and how to report concerns and cases of child sexual abuse."
5. *A ban on the use of pain compliance techniques on children in custodial institutions:* **rejected:** "It is essential that staff are equipped to keep children safe in custodial institutions. That is why they must be trained in the use of safe pain-inducing techniques for scenarios where they may need to prevent children from self-harming or causing physical harm to other children."
6. *Amendment of the Children Act 1989 to give parity of legal protection to children in care:* "We accept the absolute need for children and young people to have their voices heard, raise concerns and challenge any aspect of their care, including where they may be experiencing or at risk of serious harm."

7. *Registration of staff working in care roles in children's homes*: "We accept that rigorous registration of staff working in care roles in children's homes is essential..."
8. *Registration of staff in young offender institutions and secure training centres*: "We accept the need for registration, noting that internal registration is most appropriate for the young offender institution and secure training centre workforce."
9. *Extended use of the barred list of people unsuitable for work with children*: "We accept subject to further assessment of feasibility and impact, taking into account the findings of the Bailey Review of Disclosure and Barring Regime, published in April 2023."
10. *Improved compliance with statutory duties to inform the Disclosure and Barring Service about individuals who may pose a risk of harm to children*: "We accept the need to improve compliance with statutory duties to inform the Disclosure and Barring Service about individuals who may pose a risk of harm to children."
11. *Extending the disclosure regime to those working with children overseas*: "We accept the need to review whether disclosure arrangements can be further strengthened for those working with children overseas, and we will consider the scope of further strengthening the regime, taking into account the findings of the Bailey Review of the Disclosure and Barring Regime published in April 2023."
12. *Mandatory online pre-screening for sexual images of children*: "We accept the need to hold companies to account for removing, reporting and limiting the spread of child sexual abuse material on their services" – to be dealt with in the Online Safety Bill.
13. *Introduction of a statutory requirement of mandatory reporting for child sexual abuse*: accepted – see above.
14. *Compliance with the Victims Code: Government to commission joint inspection of compliance with the Victims' Code in relation to victims and survivors of child sexual abuse*: "We accept the need to ensure compliance with the Victims Code. The Criminal Justice Joint Inspectorates have included an inspection on the 'experiences of victims of child sexual abuse of the criminal justice system' in their 2023-25 inspection programme, with Code compliance proposed to feature. We will also consider this recommendation through the Victims and Prisoners Bill, with complementary measures to improve victims' experiences of the criminal justice system."
15. *Removal of the three-year limitation period for personal injury claims brought by victims*: "We accept the critical issue this recommendation seeks to remedy, and we will consult on strengthening existing judicial guidance in child sexual abuse cases and set out options to reform limitation law in child sexual abuse cases."
16. *A guarantee of specialist therapeutic support for child victims of sexual abuse*: "We accept that victims and survivors must be able to access effective systems for provision of therapeutic support. We will elicit views on the future of therapeutic support, including possible systemic changes to provision, through extensive

engagement and consultation as part of our response to recommendation 19 on victim redress.”

17. *A code of practice for access to records pertaining to child sexual abuse*: “We accept the importance of access to records. We will engage with the Information Commissioner’s Office on implementing this recommendation.”
18. *Further changes to the Criminal Injuries Compensation Scheme*: “We accept the need to consider changes to the scheme, and we will consult on whether or not to amend the scope and time limits.”
19. *A national redress scheme for victims and survivors of child sexual abuse and exploitation in England and Wales*: “We accept the need to introduce a redress scheme to acknowledge the institutional failures that led to the suffering of victims and survivors. The detail of the scheme, including eligibility, types of redress available, the extent of any financial component, and application process, will be considered following extensive engagement, including with victims and survivors, third sector organisations, local authorities, insurers and lawyers.”
20. *More robust age-verification requirements for the use of online platforms and services*: “We accept the need to protect children from harmful and age-inappropriate content. The Online Safety Bill requires all in-scope companies to assess whether their service is likely to be accessed by children and, if so, deliver safety measures for them.”

In response, the Chair of IICSA, Professor Alexis Jay, issued a statement in which, [according to The Guardian](#), she said:

"These recommendations were a carefully considered set of measures, designed to complement each other to provide a comprehensive world-class framework for the protection of children. We are deeply disappointed that the government has not accepted the full package of recommendations made in the final report.

“The package announced by the government today will not provide the protection from sexual abuse that our children deserve. We ask the government to reconsider and accept and enact all our recommendations in full.”

### ***Mandatory reporting of child sexual abuse in England***

On the proposal for mandatory reporting of child sexual abuse in England in particular – on which the Government had already announced its acceptance – the Home Office has launched a [12-week public call for evidence](#) on how it should be implemented. The consultation closes on **Monday 15 August**.

So far as CLAS members are concerned, the mandatory reporting duty would apply “to any person working in a position of trust (as defined by the Sexual Offences Act 2003, as amended)”. On our reading, the mandatory reporting duty will therefore apply to CLAS members without exception.

*(IICSA's Final Report dealt with both England and Wales. The Welsh Government issued its own [response](#) to the IICSA recommendations directed specifically at Wales on 20 April.)*

[Source: Home Office/ Commons *Hansard*, 22 May]