CONSIDERATION OF PETITION PE1551

You invited comment from the Scottish Government, following the Public Petitions Committee’s consideration of Petition PE1551, on ‘mandatory reporting’ of child abuse, on 17 March 2015.

The Scottish Government welcomes the chance to explore the important issues raised in this Petition. The protection of Scotland’s children – keeping them happy, healthy and safe from harm – is a key priority for the Scottish Government and we have set out an ambitious programme of work to carry this forward. This includes the publication of the National Action Plan to tackle Child Sexual Exploitation in November 2014, and the refresh of the National Guidance on Child Protection in May 2014.

The Committee queried whether the Scottish Government will engage with the UK Government on their announcement that it may consult on extending the new criminal offence of ‘wilful neglect’ of patients to children’s social care and education. While the Scottish Government would expect to engage with the UK Government as appropriate on relevant legislation, there has currently been no further information on the UK Government’s proposal including jurisdiction, timescales or definition.

The Committee also queried whether the Scottish Government was minded to legislate on mandatory reporting of child sexual abuse. As noted from the views and comments you have received from Barnardos, Shelter Scotland, NSPCC, Children 1st, the Care Inspectorate, and Dr. Sarah Nelson, the concept and practical application of mandatory reporting may be challenging. Many noted that it is not clear what this was, and questioned if the petition was averring that it should be introduced for the wider public or those working in child protection, and if it is only to be for specific forms of abuse – such as sexual abuse, or will it be wider?
All of the responses suggested that mandatory reporting should not be considered a panacea, and that there is conflicting evidence regarding its effectiveness. They also highlighted that Scotland has a different legal system and child protection processes than in England, and the legislative protections and safeguards already in place. The most critical aspect of all the evidence was the suggestion that the introduction of mandatory reporting may have numerous and perhaps serious unintended consequences on how children are protected.

These concerns were also raised in the context of the Scottish Government public consultation on ‘wilful neglect.’ We will consult further on the application of ‘wilful neglect’ to children’s social and health care settings through the summer, and look forward to further consideration of this matter at that time.

The Committee also queried whether mandatory reporting will be considered as part of the inquiry into historical abuse. I am pleased to say that I will be returning to Parliament to announce the terms of reference and the chair to the Historical Abuse Inquiry on Thursday 28 May. It will be for the chair of the inquiry to determine how it will fulfil its remit, including any recommendations that it may make in due course.

I hope that you find this information helpful.

ANGELA CONSTANCE