Shelter Scotland response to petition PE1551 to the Public Petitions Committee

Shelter Scotland works with over half a million people in Scotland each year across all housing tenures. We believe that everyone has the right to a safe, secure affordable home and that housing is vital to people and families being able to flourish in their communities. Shelter Scotland works directly with children and families though our housing support services, and we have offered intensive support to children and young people though the crisis of homelessness over many years.

Shelter Scotland firmly believes that when it comes to the issue of reporting child abuse efforts should be focused on strengthening supportive environments for when children and young people do disclose abuse. Shelter Scotland notes that there is already a legal duty on professionals in Scotland to report abuse, and professionals who fail to report are wilfully neglecting their professional duties to protect those whom they come into contact with. In common with Children's organisations in Scotland, we therefore consider that the legal protections and criminal sanctions for failing to report suspected abuse to children in Scotland are strong. The focus for the future should be on ensuring that organisational cultures and working practices support the implementation of this legislative protection and the new powers enshrined in the Children and Young People's Act 2014.

From the operational experience of Shelter Scotland, which includes intensive support services with some of Scotland’s most vulnerable families, we are concerned that mandatory reporting could lead to unintended consequences. In particular Shelter Scotland recognises that mandatory reporting will have implications for resources in managing reports. In Australia and Canada, for example, up to 75% of such reports are 'unsubstantiated'. Consequently the introduction of such a provision would require additional resources and infrastructure. We would be concerned if the introduction of mandatory reporting would shift resources from the creation of safe and supportive environments for young people to disclose, on to the managing of a system for mandatory reporting.

Shelter Scotland is also of the view that mandatory reporting of 'sexual abuse', if introduced, would require specific and detailed terms of reference along with clear guidance. Shelter Scotland believes that there is a need to be aware of the range of abuse and neglect that children can often be vulnerable to. Whilst morally we all acknowledge that sexual abuse is a particular taboo in our lives, other forms of abuse can have similar impacts on the children
affected and no one form of abuse can be considered worse than another. In particular housing and homeless services staff, managers and volunteers should have appropriate support and guidance to understand their responsibilities. The guidance in relation to reporting should discuss the role of discussing concerns with colleagues or managers; when decisions are made not to report; how is this recorded and who is ultimately responsible for acting or failure to act.

If the Committee conclude that there is merit in further consideration of the petition, the proposal should also be subject to a full public consultation. In order to protect the best interests of children the views of all organisations and individuals should be taken into account to determine the best approach for ensuring that all children and young people have a safe and supportive environment within which they are able disclose instances of abuse.