I am writing further to your letter of 31 March 2017 on behalf of the Public Petitions Committee. Following its meeting on 30 March, wherein Petition 1551 (Mandatory reporting of child abuse) was discussed, the Committee agreed to write to the Scottish Government to "seek clarification on whether there is a particular reason why the Scottish Government appears to be waiting until the findings of the UK Government's consultation are published, and to establish if there is a point at which the Scottish Government will develop its own approach to the issue of mandatory reporting without waiting for publication of the UK Government's findings."

The Committee considered evidence received from Children 1ST, the Care Inspectorate, Barnardo's Scotland, NSPCC Scotland, Shelter Scotland, and Dr Sarah Nelson in March 2015. The Scottish Government has also carefully considered the evidence provided, and in particular the views expressed by all contributors that the issues involved are complex, the evidence for such schemes is mixed, may lead to serious unintended consequences for the protection of children, and that any further consideration of mandatory reporting by the Scottish Government should be based on sound evidence, including a full public consultation.

The UK Government announced their intention to launch a public consultation on mandatory reporting prior to the Committee's consideration of Petition 1551, in October 2014. The consultation "Reporting and acting on child abuse and neglect" was launched in July 2016, and closed in October 2016. The UK Government have advised that they do not expect to be in a position to share findings until later this year.

The consultation asks for views on both a mandatory reporting duty, which would require certain practitioners or organisations to report child abuse or neglect if they knew or had reasonable cause to suspect it was taking place; and a duty to act, which would require certain practitioners or organisations to take appropriate action (which could include reporting) in relation to child abuse or neglect if they knew or had reasonable cause to suspect it was taking place.

The consultation applies to England only, with the Welsh Government committed to considering the consultation outcome to inform decisions about any future legislative change in Wales.

I acknowledge that child protection is a matter devolved to the Scottish Parliament and it would be entirely within the competence of the Scottish Parliament to consider an approach without waiting for the results of the UK consultation. However, in light of the view from partners that a consultation is necessary for any further consideration of mandatory reporting, and the recognition that both the topic and scope of the UK consultation align with the areas for consideration expressed by those partners in evidence to the Committee, I consider that it is prudent to await the outcome of this consultation before determining our next steps.

We will consider the results of this consultation as soon as they are available. We will do so in the wider context of the differing child protection landscape in Scotland, taking into consideration recent measures introduced in the Children and Young People (Scotland) Act 2014, for example, as well as the existing legal responsibilities placed on professionals, social workers and police officers in Scotland through the Police and Fire Reform (Scotland) Act 2012 and the Children's Hearings (Scotland) Act 2011.
We will also place any further consideration of mandatory reporting in the context of the wide ranging programme of improvement outlined in response to the recommendations of the Child Protection Improvement Programme, which I announced in Parliament on 2 March. As part of this Improvement Programme, I am committed to reviewing current legislation on abuse and harm and this review may be an appropriate process for mandatory reporting to be considered. The Child Protection Improvement Programme arose from the acknowledgement that child protection in Scotland has inherent strengths, but there are weaknesses that require to be addressed to ensure that we are doing all that we can to protect Scotland’s children.

The development of the recommendations of the Child Protection Improvement Programme reflects a year of working closely with partners across the children’s services sector to honestly scrutinise child protection and determine the changes that are required. The effective and efficient implementation of that suite of recommendations and actions will strengthen all aspects of the system to better protect children.

I am more than happy to consider the views of the committee on the matter of mandatory reporting, and the approach to take as part of my overall approach.