Home Office

Equality Impact Assessment (EIA): Crime and Policing Bill Mandatory Reporting of Child Sexual Abuse

1. Name and outline of policy proposal, guidance, or operational activity

Title:

Mandatory reporting of child sexual abuse in England

Outline:

The Independent Inquiry into Child Sexual Abuse (IICSA) recommended in its final report to government that a mandatory reporting regime should be established in England in respect of child sexual abuse cases. The duty recommended by the Inquiry would apply to anyone undertaking regulated activity with children, persons in positions of trust and police officers.

In January 2025, the Government announced its intention to deliver a mandatory reporting duty via the Crime and Policing Bill.

The measures are as follows:

Duty to report child sex offences

The Government will place a duty on adults engaged in relevant activities in England to report to the police or local authority when they are made aware of child sexual abuse. The definition of "relevant activity" covers all regulated activity relating to children as set out in the Safeguarding Vulnerable Groups Act 2006, and a number of additional roles set out in the Crime and Policing Bill (including police officers).

Reports must be made as soon as reasonably practicable, although where making a report could give rise to an immediate risk to the life or safety of the child, it may be delayed for a maximum of seven days in order to manage that risk.

There are a small number of circumstances in which a report does not have to be made under the duty. Where the concerns relate to consensual sexual activity among teenagers under 18 (and no risk of harm or exploitation is judged to be present) a reporter will have the discretion to decide how to proceed. A similar exception is provided where a reporter receives a disclosure from a child who is seeking support in respect of their own sexual behaviour.

Those who fail to report child sexual abuse they are made aware of may be referred to the Disclosure and Barring Service, and face being barred from working with young people in the future. They could also be referred to their professional regulator to consider their fitness to practice (where relevant).

Obstructing a reporter

The Government will create an offence of preventing or deterring a person from complying with the duty to report, with a maximum penalty of up to seven years imprisonment.

2. Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.

The following evidence has been carefully considered as part of the Public Sector Equality Duty:

A. Research and engagement with victims and survivors - Independent Inquiry into Child Sexual Abuse

In developing its recommendation to implement mandatory reporting, the Independent Inquiry into Child Sexual Abuse considered over 2.8 million pages of evidence over the course of a seven-year investigation. This included the production of specific reports on:

- Independent Inquiry into Child Sexual Abuse (2022). IICSA Truth Project: Dashboard (June 2016 - October 2021). https://www.iicsa.org.uk/key-documents/31164/view/truth-project-dashboard-final-2022.pdf
- Independent Inquiry into Child Sexual Abuse (2021). Engagement with children and young people. engagement with young people
- Independent Inquiry into Child Sexual Abuse. (2020). "People don't talk about it": Child sexual abuse in ethnic minority communities. https://www.iicsa.org.uk/reports-recommendations/publications/research/child-sexual-abuse-ethnic-minority-communities
- Independent Inquiry into Child Sexual Abuse (2021). Engagement report ethnic minority communities 29 April 2021 | IICSA Independent Inquiry into Child Sexual Abuse
- Independent Inquiry into Child Sexual Abuse (2021). Child protection in religious organisations and settings: Investigation report. https://www.iicsa.org.uk/key-documents/26895/view/child-protection-religious-organisations-settings-investigation-report-september-2021.pdf.
- Independent Inquiry into Child Sexual Abuse (2022). Engagement with lesbian, gay, bisexual, transgender and queer/ questioning + victims and survivors. engagement with lesbian, gay, bisexual transgender and queer/questioning victims and survivors of child sexual abuse.

Disability

The Independent Inquiry into Child Sexual Abuse (IICSA) found disabled children are at around three times greater risk of being sexually abuse than other children.

Race

Research by IICSA (2020) noted that under-reporting is likely to be especially prevalent amongst ethnic minority victims, due to additional barriers to disclosure rather than a lower prevalence of child sexual abuse.

The IICSA (2021) engaged with ethnic minority communities of victims and survivors and found that: "*(…) victims and survivors in ethnic minority communities do not trust*

that police or social workers will treat them fairly, and that their disclosure will not be handled appropriately. Many fear they will be judged and their race or religion will determine the response".

Religion or Belief

The Truth Project found that 6% of the victims' perpetrators were members of the clergy or church-related staff.

The September 2021 IICSA report on child protection in religious organisations and settings said there was likely to be a significant under-reporting of child sexual abuse, both internally within the religious organisation and externally to statutory agencies.

Sex

70% of those who took part in the IICSA Truth Project were female.

B. Mandatory reporting call for evidence and public consultation – Home Office: 2023

The Home Office undertook a 12-week call for evidence from May to August 2023, and a further public consultation on the details of this duty in November of that year. Together these exercises attracted over 1300 responses from professionals, national organisations and members of the public. Across Government, several stakeholder engagement meetings were held with representative bodies from potentially impacted sectors.

- Home Office. (2023). Mandatory reporting of child sexual abuse: call for evidence. Mandatory reporting of child sexual abuse: call for evidence - GOV.UK
- Home Office. (2024). Mandatory reporting of child sexual abuse consultation. Mandatory reporting of child sexual abuse consultation - GOV.UK

Pregnancy and Maternity

The public consultation raised some concerns that the implementation of a mandatory reporting duty for child sexual abuse could lead to greater inhibition from victims and survivors in engaging with sexual and reproductive health services.

C. Victim data – Crime Survey for England and Wales (CSEW): 2019

The Office for National Statistics (ONS) published statistics measuring child sexual abuse crimes. This includes an analysis of responses by members of the public completing questions on child sexual abuse experiences in the 2019 Crime Survey for England and Wales (CSEW), as well as police recorded crime data. These statistics refer to data collected by the survey respondents who completed the CSEW.

- Office for National Statistics. (2020). Child sexual abuse in England and Wales: year ending March 2019. Child sexual abuse in England and Wales - Office for National Statistics

Disability

The CSEW and Wales found that adults with a long-term illness or disability during childhood were almost twice as likely to report suffering from sexual abuse during childhood (14%) than those without a long-term illness/disability (7%).

Race

The CSEW found that those from mixed ethnic backgrounds (9%) or are white (8%) are more likely to have reported suffering any sexual abuse during childhood than those from other ethnic groups.

Sex

11.5% of women reported having experienced child sexual abuse before the age of 16, compared to 3.5% of men. The same report estimated that across the population, 77% of those who experienced child sexual abuse are female.

D. Disability research - Office for Children's Commissioner: 2015

The report outlines the findings of the first phase of the Children's Commissioner for England's Inquiry into Child Sexual Abuse in the Family Environment. This report assesses the scale and nature of CSA in the family environment through mixed methods.

- Office of the Children's Commissioner. (2015). Protecting children from harm: A critical assessment of child sexual abuse in the family network in England and priorities for action. Protecting-children-from-harm-full-report.pdf

Disability

Research suggests that children with a disability, which impairs their communication skills, are less able to report abuse directly and the signs of abuse may not be evident to some practitioners.

E. LGBT research - Government Equalities Office: 2017

The Government Equalities Office analysed the responses to the National LGBT Survey that took place in 2017. The survey asked LGBT and intersex people for their views on public services and about their experiences more generally living as a LGBT person in the UK.

- Government Equalities Office (2018). National LGBT Survey Summary Report: July 2017. https://www.gov.uk/government/publications/national-lgbt-survey-summary-report

Gender Reassignment
Sexual Orientation

The National LGBT Survey found that LGBT people can be unwilling to use relevant services relating to crime for fear of homophobic, transphobic or biphobic responses from staff and service users or because they do not think the response will meet their needs.

F. LGBT Liaison Officer Guidance - Metropolitan Police: 2020

The MPS LGBT Liaison Officers (LOs) Manual of Guidance provides advice that assists LGBT LOs or any staff dealing with LGBT matters, to perform their duties effectively, professionally, efficiently and in an informed way.

- Metropolitan Police (2020). LGBT Liaison Officer's Manual of Guidance. https://lgbt.police.uk/wp-content/uploads/2020/04/Liaison-Officer-Manual.pdf

Gender Reassignment
Sexual Orientation

A significant number of forces now have specific LGBT liaison officers in place to increase and improve the trust and confidence of LGBT people in the police service.

G. Race research - Race Equality Foundation: 2021

Research report commissioned by the Centre of Expertise on child sexual abuse (CSA Centre) to address knowledge gaps around professional practice in supporting children from Black, Asian and minority ethnic backgrounds who are at risk of, or experiencing, child sexual abuse. The report outlined findings from qualitative interviews conducted by the Race Equality Foundation.

- Race Equality Foundation and CSA Centre (2021). Improving responses to the sexual abuse of Black, Asian and minority ethic children. http://www.csacentre.org.uk/documents/improving-responses-csa-of-black-asian-minority-ethnic-children/

Race

Research from the Race Equality Foundation notes that child sexual abuse is prevalent in all communities but most of it falls below the radar, especially in minoritised communities.

H. Confidence in police data – Gov: 2021

Survey findings from people aged 16 and over who said they had confidence in their local police.

- GOV.UK (2021). Confidence in the local police. https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/confidence-in-the-local-police/

Race

In the year to March 2020, data shows that people from the Asian (77%), White (74%), and Other ethnic groups (75%) were more likely to have confidence in their local police than Black people (65%).

I. Police workforce data – Home Office: 2024

Statistics on police workforce numbers in the 43 police forces in England and Wales and the British Transport Police.

- GOV.UK (2024). Police workforce, England and Wales: 31 March 2024. https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2024
- GOV.UK (2023). Police workforce, England and Wales: 31 March 2023. https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2023

Race

As of 31 March 2024, there were 12,133 full-time equivalent (FTE) ethnic minority police officers in England and Wales, an increase of 167 (1%) compared with a year earlier. Ethnic minority officers represented 8.2% of all officers, an increase from 8.1% in the previous year. Previous years saw larger proportional increases, so there are small but notable increases overall.

J. Offender data – Criminal Justice System statistics quarterly: June 2024

The Ministry of Justice publishes quarterly trends in the use of out of court disposals, defendants prosecuted, offenders convicted, remand and sentencing decisions in England and Wales.

- Ministry of Justice, 'Criminal Justice System statistics quarterly' (Year ending June 2024: Outcomes by Offence data tool) Criminal Justice System statistics quarterly: June 2024 - GOV.UK

Sex

98% of individuals convicted of child sexual abuse offences are male.

3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

The Department does not consider that the implementation of a mandatory reporting duty for child sexual abuse constitutes unlawful discrimination, harassment, victimisation or any other conduct prohibited by the Equality Act. Mandatory reporting will apply to all individuals carrying out relevant activity with children, and reports will be required to be made on behalf of any child who discloses child sexual abuse, irrespective of their protected characteristics.

Where direct or indirect discrimination is not addressed, that is because at this time the Department has assessed that there is no direct or indirect discrimination in relation to a protected characteristic; the Department will keep this under review and update as necessary.

Age

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to discrimination or disadvantage, based on the protected characteristic of age as specified in the Equality Act 2010.

The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual abuse is made by a child or young person under 18 years of age. Therefore, this duty will inherently have a differential impact on

those under the age of 18 compared to the rest of the population. However, in the Department's view, the mandatory reporting duty is designed to safeguard and benefit these individuals and advance their equality of opportunity. Therefore, it is discriminatory in a positive manner.

Direct Discrimination

The Department does not consider that implementing this measure would have adverse impacts on those subject to the duty who have this protected characteristic. Mandatory reporting will apply to all individuals carrying out relevant activity with children, and reports will be required to be made on behalf of any child who discloses child sexual abuse, irrespective of their protected characteristics.

The duty will be applicable to disclosures made by children and young people up to the age of 18 years old. Therefore, there is the potential for a disproportionate impact on those who share some aspects of this protected characteristic as opposed to those who do not. It is not directly discriminatory as it does not treat any young person disadvantageously in relation to an adult. The Department believes that the proposals support the safety and access to support for individuals with this protected characteristic and offer a practical and proportionate benefit.

Indirect Discrimination

One of the conditions for a report being required under the duty is the direct disclosure by a child that abuse has occurred. The Department recognises that children at a pre-verbal stage of development (such as babies and toddlers) are unable to make such a disclosure. Concerns raised by third parties (such as a parent or carer) on their behalf will not trigger the duty; however, existing guidance makes clear that appropriate action should be taken in such cases under existing statutory safeguarding responsibilities. The Department will continue to deliver further work in this space; ensuring that professionals working with children have the skills and information they need to recognise and respond appropriately to all forms of child sexual abuse. More widely, the Department acknowledges that not all persons with this protected characteristic will require assistance under the mandatory reporting duty. However, Government guidance will assist in ensuring that all young people will have access to information about the duty and how it affects their engagement with statutory services when necessary.

<u>Disability</u>

Indirect Discrimination

It is important to acknowledge that there may be indirect discrimination, which the Department considers to be objectively justified in meeting the aims of the policy, for people conducting regulated activity with children who have disabilities in terms of the written guidance. For example, individuals with learning difficulties or disabilities may experience additional challenges understanding the content of the guidance. To mitigate this, the Department will ensure that Government guidance relating to the mandatory reporting duty will be made available in accessible formats. As above (see '*Age*') the Department will continue to deliver further work to ensure that professionals working with children have the skills and information they need to recognise and respond appropriately to all forms of child sexual abuse.

Some characteristics can increase the risk that a child will experience child sexual abuse, such as if they suffered any long-term health condition or disability during

childhood. The 2019 Crime Survey for England and Wales[1] found that adults with a long-term illness or disability during childhood were almost twice as likely to report suffering from sexual abuse during childhood (14%) than those without a long-term illness/disability (7%). The Independent Inquiry into Child Sexual Abuse (IICSA)[2] found disabled children are at around three times greater risk of being sexually abuse than other children.

The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual abuse is made by a child or young person under 18 years of age. Research suggests that children with a disability, which impairs their communication skills, are less able to report abuse directly and the signs of abuse may not be evident to some practitioners[3]. Therefore, the Department considers that there to be some impact on those with this protected characteristic in situations where a disability inhibits or complicates the disclosure of information (where, for example, a person is non-verbal as a result of their disability). The Department recognises that some children with special educational needs and/or disabilities will be unable to make a direct disclosure in any form. To mitigate this, the Government has drafted the definition of a 'disclosure' in respect of the mandatory reporting duty to ensure that all forms of communication will engage the reporting requirement (for example, pictorial representations as well as verbal and written disclosures).

Gender Reassignment

Indirect Discrimination

The Department does not consider that this measure will indirectly discriminate against individuals with this protected characteristic who are seeking to disclose or report child sexual abuse. However, in the National LGBT Survey, it was found that LGBT people can be unwilling to use relevant services relating to crime for fear of homophobic, transphobic or biphobic responses from staff and service users or because they do not think the response will meet their needs.[4] This negative perception of the police held by some members of the LGBT+ community could indirectly affect their ability to disclose or report. Efforts to reform the sensitive relationship between the police and the LGBT+ community are in place, in the form of police initiatives like the National LGBT+ Police Network. Furthermore, a significant number of forces now have specific LGBT liaison officers in place to increase and improve the trust and confidence of LGBT people in the police service. The liaison officers are recruited to provide an effective conduit and communication link to internal & external agencies and LGBT people - including raising the awareness of LGBT matters and sharing information including hate crime perpetration rates within their geographic area of responsibility.[5]

Race

[1] Office for National Statistics (2020). Crime Survey for England and Wales, Child sexual abuse in England and Wales: year ending March 2019.
[2] Independent Inquiry into Child Sexual Abuse (2022). IICSA Truth Project: Dashboard: June 2016-October 2021. Available online at: https://www.iicsa.org.uk/key-documents/31164/view/truth-project-dashboard-final-2022.pdf
[3] Office of the Children's Commissioner. (2015). Protecting-children-from-harm-full-report.pdf
[4] Government Equalities Office (2018). National LGBT Survey Summary Report: July 2017. Available online at: https://www.gov.uk/government/publications/national-lgbt-survey-summary-report
[5] Metropolitan Police (2020). LGBT Liaison Officer's Manual of Guidance. Available online at: https://lgbt.police.uk/wp-content/uploads/2020/04/Liaison-Officer-Manual.pdf

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to discrimination or disadvantage, based on the protected characteristic of race as specified in the Equality Act 2010.

The CSEW[6] found that those from mixed ethnic backgrounds (9%) or are white (8%) are more likely to have reported suffering any sexual abuse during childhood than those from other ethnic groups. There are known barriers to reporting within certain groups, so this is likely to be a reflection on reporting behaviour than it is prevalence. For this reason, it is important to consider potential barriers for individuals from ethnic minorities engaging with a policy around disclosure and reporting like the mandatory reporting duty for reasons including language and cultural barriers.

Indirect Discrimination

The Department does not consider that this measure will indirectly discriminate against individuals with this protected characteristic who are seeking to disclose or report child sexual abuse.

However, research by IICSA (2020) noted that under-reporting is likely to be especially prevalent amongst ethnic minority victims, due to additional barriers to disclosure rather than a lower prevalence of child sexual abuse.[7] Furthermore, research from the Race Equality Foundation notes that child sexual abuse is prevalent in all communities but most of it falls below the radar, especially in minoritised communities[8]. The IICSA engaged with ethnic minority communities of victims and survivors and found that: "*(…) victims and survivors in ethnic minority communities do not trust that police or social workers will treat them fairly, and that their disclosure will not be handled appropriately. Many fear they will be judged and their race or religion will determine the response*". [9] There are specific barriers for children from ethnic minorities which prevent them from disclosing their abuse, for example: their cultural background, fear of not being believed by practitioners, and pressure to maintain honour and prevent shame, especially reported amongst Asian communities. These barriers may prevent individuals from ethnic minorities from disclosing their experiences of child sexual abuse. The Government's proposals will establish a clear and consistent approach to how common statutory services handle disclosures of child sexual abuse, irrespective of the disclosing child's protected characteristic of race.

In the year to March 2020, data shows that people from the Asian (77%), White (74%), and Other ethnic groups (75%) were more likely to have confidence in their local police than Black people (65%).[10] Furthermore, in every year recorded, a lower percentage of Black Caribbean people had confidence in their local police force than White British people. This negative perception of the police held by some individuals from ethnic minorities, particularly Black Caribbean individuals, could indirectly affect their ability to report disclosures of abuse.

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[6] Office for National Statistics (2020). Crime Survey for England and Wales, Child sexual abuse in England and Wales: year ending March 2019.

[7] Independent Inquiry into Child Sexual Abuse (2020). "People don't talk about it": Child sexual abuse in ethnic minority communities. Available online at: https://www.iicsa.org.uk/reports-recommendations/publications/research/child-sexual-abuse-ethnic-minority-communities

[8] Race Equality Foundation and CSA Centre (2021). Improving responses to the sexual abuse of Black, Asian and minority ethic children. Available online at: http://www.csacentre.org.uk/documents/improving-responses-csa-of-black-asian-minority-ethnic-children/

[9] Independent Inquiry into Child Sexual Abuse (2021). Engagement report ethnic minority communities 29 April 2021 | IICSA Independent Inquiry into Child Sexual Abuse

[10] GOV.UK (2021). Confidence in the local police. Available online at: https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/confidence-in-the-local-police/

Furthermore, the Department recognises that there may be indirect discrimination against those with limited English language literacy skills, such as those for whom English is not their primary language. To mitigate this, mandatory reporting guidance will be made accessible for individuals with limited English language literacy by publishing the guidance in HTML format, which means that it can easily be translated into different languages to mitigate any language barriers. The internet also hosts a number of online document translation services for people who don't speak, or speak limited, English. Further tackling language barriers, the HTML format's text-to-speech capabilities may prove advantageous for individuals with poor English language literacy, as it is may be easier to comprehend the guidance in spoken form as opposed to written form.

Religion or Belief

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to discrimination or disadvantage, based on the protected characteristic of religion or belief as specified in the Equality Act 2010.

Further, research and public allegations of abuse within religious contexts suggests that child sexual abuse may be prevalent in faith institutions across most major religions in the UK. The Independent Inquiry into Child Sexual Abuse (IICSA) conducted a Truth Project based on the accounts of 5,862 victims and survivors who shared their experiences between 2016-2021. The Truth Project found that 6% of the victims' perpetrators were members of the clergy or church-related staff.[11]

The September 2021 IICSA report on child protection in religious organisations and settings said there was likely to be a significant under-reporting of child sexual abuse, both internally within the religious organisation and externally to statutory agencies.[12] Organisational and cultural barriers to reporting child sexual abuse were found in some religious organisations, which may be linked to the organisation itself or factors related to the community in which the organisation operates.

Indirect Discrimination

The Department does not consider this measure to be discriminatory based on religion or belief for those individuals who may disclose or report child sexual abuse. However, as noted above (in the considerations of 'Race'), the IICSA report (2021) discusses cultural barriers to disclosing abuse - for instance, some victims and survivors felt that their disclosures of abuse would be judged or mishandled on the basis of their religion, expressed a pressure to maintain honour and prevent familial shame and disclosed a mistrust of external agencies. This may deter some individuals from religious communities from disclosing abuse. However, the Government's proposals will establish a clear and consistent approach to how common statutory services handle disclosures of child sexual abuse, irrespective of the disclosing child's protected characteristic of religion.

[11] Independent Inquiry into Child Sexual Abuse (2022). IICSA Truth Project: Dashboard: June 2016-October 2021. Available online at: https://www.iicsa.org.uk/key-documents/31164/view/truth-project-dashboard-final-2022.pdf

[12] IICSA (2021). Child protection in religious organisations and settings: Investigation report. Available online at: https://www.iicsa.org.uk/key-documents/26895/view/child-protection-religious-organisations-settings-investigation-report-september-2021.pdf.

The Department has considered whether implementing the mandatory reporting duty could present adverse impacts on people sharing the protected characteristic of religion; specifically, the implications of the duty on Article 9 of the European Convention on Human Rights (the right to freedom of thought, conscience and religion). The Department's assessment is that while there may be circumstances in which application of the duty gives rise to some interference in this space (for example in relation to the practice of sacramental confession), it would be justified, proportionate and within the law.

Sex

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to discrimination or disadvantage, based on the protected characteristic of sex as specified in the Equality Act 2010.

There is generally accepted to be a higher prevalence of child sexual abuse amongst girls than boys. For example, in the 2019 Crime Survey of England and Wales (CSEW),[13] 11.5% of women reported having experienced child sexual abuse before the age of 16, compared to 3.5% of men. The same report estimated that across the population, 77% of those who experienced child sexual abuse are female. Furthermore, 70% of those who took part in the Independent Inquiry into Child Sexual Abuse's (IICSA) Truth Project were female.[14]

Indirect Discrimination

Child sexual abuse, while statistically more prevalent in respect of female victims, is under-reported and under-identified across both sexes. The impacts of the duty on improving the reporting and identification of child sexual abuse will therefore be of benefit to those sharing this protected characteristic.

98% of individuals convicted of child sexual abuse offences are male.[15] Whilst men are therefore more likely to be the perpetrators of these new offences and will therefore be indirectly impacted to a greater degree, the Department does not consider that the provisions will amount to unlawful indirect discrimination.

Sexual Orientation

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to discrimination or disadvantage, based on the protected characteristic of sexual orientation as specified in the Equality Act 2010.

The Crime Survey for England and Wales (CSEW) found that adults who identify as bisexual (26%) or gay/lesbian (13%) experienced sexual abuse in childhood at a higher rate than those who identify as heterosexual (7%). Furthermore, there is some evidence that children who are exploring their sexuality may be more at risk of child sexual abuse.

Indirect Discrimination

[13] Office for National Statistics (2020). Child sexual abuse in England and Wales - Office for National Statistics
[14] Independent Inquiry into Child Sexual Abuse (2022). IICSA Truth Project: Dashboard: June 2016-October 2021. Available online at: https://www.iicsa.org.uk/key-documents/31164/view/truth-project-dashboard-final-2022.pdf
[15] Office for National Statistics (2020). Child sexual abuse in England and Wales - Office for National Statistics

The Department does not consider this measure to be indirectly discriminatory based on sexual orientation for those individuals who may disclose or report child sexual abuse. However, as noted above (in the considerations of 'Gender reassignment'), LGBT people can be unwilling to use relevant services relating to crime for fear of homophobic, transphobic or biphobic responses from staff and service users or because they do not think the response will meet their needs.[16] This negative perception of the police held by some members of the LGBT+ community could indirectly affect their ability to disclose or report. Efforts to reform the sensitive relationship between the police and the LGBT+ community are in place, in the form of police initiatives like the National LGBT+ Police Network and LGBT liaison officers.[17]

3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

The Department has considered potential direct and indirect impacts of measures within the Bill below. Where advancing equality of opportunity is not addressed in relation to a protected characteristic, that is because at this time the Department has assessed that the measures will not have a positive or negative effect on advancing equality of opportunity between people who share that protected characteristic and people who do not share it; the Department will keep this under review and update as necessary.

The mandatory reporting duty has been designed to ensure that all children who disclose incidents of child sexual abuse to a relevant adult receive the same level of care, belief and attention in the response of statutory services. The duty requires mandated reporters to treat disclosures of child sexual abuse from children in a clear and consistent way, regardless of their other protected characteristics.

Age

The evidence considered by the Independent Inquiry into Child Sexual Abuse demonstrated that when child sexual abuse was disclosed, individuals and institutions often provided inadequate and negative responses to victims and survivors; and that such responses often led to extreme reluctance to discuss the abuse with anyone in the future. The Department considers that a clear statement in law that disclosures from those sharing this characteristic must be referred to an appropriate authority could increase their ability to participate in public life; representing an overall benefit to advancing equality of opportunity for this group.

Disability

The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual abuse is made by a child or young person under 18 years of age. The Department does not therefore expect this policy to impact on those in this protected characteristic group. Children with disabilities are up to three times more likely to experience abuse. The Government has specified that the mandatory duty to report will apply to all forms of disclosure, including non-verbal forms of communication. The Department considers that this will enhance opportunities for

[16] Government Equalities Office (2018). National LGBT Survey Summary Report: July 2017. Available online at: https://www.gov.uk/government/publications/national-lgbt-survey-summary-report
[17] Metropolitan Police (2020). LGBT Liaison Officer's Manual of Guidance. Available online at: https://lgbt.police.uk/wp-content/uploads/2020/04/Liaison-Officer-Manual.pdf

disclosure in situations which may not have been considered before, potentially advancing equality of opportunity for those sharing this protected characteristic.

Maternity and Pregnancy

Victims and survivors of child sexual abuse may require the support of sexual and reproductive health services. Therefore, the Department expects there to be some impact on those with this protected characteristic.

Through public consultation, the Department has heard concerns that the implementation of a mandatory reporting duty for child sexual abuse could lead to greater inhibition from victims and survivors in engaging with sexual and reproductive health services. Should such concerns be borne out in practice, this has the potential to impact those sharing the protected characteristic of maternity and pregnancy. The Government has provided that a report under the duty may be delayed for up to seven days where a reporter considers that it could lead to an immediate risk to the young person's safety; which may include disengaging from necessary health services. The Government will evaluate the impact of the new duty on outcomes for children and young people in due course.

Race

The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual abuse is made by a child or young person under 18 years of age. As above, the Government's proposals will establish a standard, mandatory approach to how common statutory services handle disclosures of child sexual abuse, irrespective of the disclosing child's protected characteristic of race. The Department expects this policy to advance equality of opportunity for those in this protected characteristic group.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

The Department has considered whether this measure will foster good relations between people who share a protected characteristics and persons who do not share it. Where a protected characteristic is not addressed, the Department has not identified any impacts; this will be kept under review.

There is a slight risk that introducing a mandatory reporting duty for child sexual abuse could lead to the worsening of relationships between those who share a protected characteristic and those who don't.

Race

The Department has considered the concept of 'adultification' bias[18] and its potential interaction with the reporting exemption which has been provided to avoid interfering with consensual relationships between teenagers. Reporters will consider the ages of the parties involved in deciding whether a report needs to be made; and in this context the Department is mindful of the potential for incorrect assumptions about age and vulnerability to disproportionately impact black children. If borne out this could lead to a loss of trust between children and a range of statutory services

[18] Adultification bias within child protection and safeguarding (justiceinspectorates.gov.uk)

responsible for their protection. To mitigate against this risk the duty will be accompanied by Government guidance for reporters; which will set out clear expectations in relation to the reporting exemption.

4. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

For the small number of potential impacts on the protected characteristics of age, disability, race and maternity/pregnancy, the Government's approach to mitigation has been set out above.

The operation of the duty will be evaluated after a specified period following its commencement. This exercise will consider the impact of the duty on outcomes for children and young people and system operations.

5. Review date:

The proposals considered in this document will be reviewed throughout the legislative process and will be subject to the normal post-legislative review three to five years after Royal Assent.

6. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

SCS sign off: Christian Papaleontiou, Tackling Child Sexual Abuse Unit

Lead Contact: CrimeandPolicingBillTeam@homeoffice.gov.uk

Date: 6 February 2025

For monitoring purposes all completed EIA documents must be sent to psed@homeoffice.gov.uk

EIA enquiries must also be sent to psed@homeoffice.gov.uk

Date sent to PSED Team: 6 February 2025