

MANDATORY REPORTING OF CHILD SEXUAL ABUSE: CALL FOR EVIDENCE

Response from Humanists UK, August 2023



ABOUT HUMANISTS UK

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by 110,000 members and supporters and over 115 members of the All-Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, support provision, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

We lead the national campaign for action on unregistered religious schools and work closely with former pupils of such settings, as well as current members of closed religious communities, to highlight their experiences and provide evidence to the authorities. Our work in this area includes working directly with community whistleblowers, many of whom report serious and endemic issues with sexual abuse. Our work exposing abuse in unregistered schools, particularly within high control communities, has generated substantial and significant media coverage, including features on *Newsnight*,¹ *BBC News at Six and Ten*,² and more recently in *The Times*.³ The earlier coverage prompted the creation of Ofsted's unregistered schools team. We were the first external group to meet with that team, and the first to introduce them to pupils who had attended such schools. It also prompted Hackney Council's own review of the issue in the local area.

ABOUT FAITH TO FAITHLESS

Faith to Faithless⁴ is a programme of Humanists UK which works to raise awareness of the issues faced by those who leave high-control religious groups and provide direct support to those affected. Deciding to leave a religion often means rejection from family and community, and apostates may end up homeless, isolated, and at risk of abuse. In addition, many high-control religions prevent members from accessing education or external services, and so individuals don't know where to turn for support. We provide facilitated peer support and social groups, provide a platform for apostate voices to be heard, and raise awareness of the issues they face. We train statutory and support organisations like the police, social services, and mental health organisations to better understand the issues apostates face, and the policy and practice implications this might have for them. We were founded in 2015. Now run by a staff team of three and advised by a voluntary Leadership Team of apostates with lived experience, the programme has expanded its capacity to both support individuals and effect sustainable change.

¹ *BBC Newsnight*, 'British Humanist Association exposé on indoctrination by illegal Jewish schools which are registered charities' (2016) <https://www.youtube.com/watch?v=ACgWIZLxhBw> [accessed 18 July 2023]

² Humanists UK, 'Joint BBC/Humanists UK investigation: abuse at illegal religious schools' (26 February 2018) <https://humanism.org.uk/2018/02/26/joint-bbc-humanists-uk-investigation-abuse-at-illegal-religious-schools/> [accessed 18 July 2023].

³ Ball, T (2023) 'Why I had to escape my ultra-orthodox life in London', *The Times* (25 February 2023) <https://www.thetimes.co.uk/article/escape-my-ultra-orthodox-life-in-london-hhiff0shv> [accessed 18 July 2023].

⁴ Faith to Faithless (2023) <<https://www.faithtofaithless.com/>> [accessed 8 August 2023].



Many of our service users report alarming rates of sexual offending within their former communities, as well as unchecked power by leaders who face no consequences for failing to report sexual abuse that they are aware of.

RESPONSE TO CONSULTATION QUESTIONS

Q1: To help us analyse our responses, could you please tell us in what capacity you are responding to this consultation. As a...

- Charity / voluntary sector

Q2. If you are responding on behalf of an organisation, what is your role within that organisation?

Select one from:

- Senior leader (Director, Chief Executive)

Q4. In sharing findings from this consultation, may we quote from your response?

Select one from:

- Yes – attribute to my organisation

Section 1: Who the duty should apply to

Q5. Is the range of 'mandated reporters' set out by the recommendation (people working in regulated activity with children under the Safeguarding and Vulnerable Groups Act 2006, people in positions of trust as defined by the Sexual Offences Act 2003 and police officers):

- Appropriate
- **Too narrow**
- Too broad
- Don't know

Please provide details to explain your response.

The range of mandated reporters is too narrow, because it does not include those who volunteer with organisations that provide services to children and families, even if those volunteers do not have direct responsibility for coaching, teaching, training, or supervising children. The proposed range excludes volunteer bus drivers on coach trips, volunteers working in an office environment (passing phone messages to children, having access to their records, and otherwise interacting with children), or volunteer stewards at lectures, worship and social events.

Any range must include responsibility for volunteers and workers in organisations that do not provide services directly to children, but where children attend with their parents, and where responsibility for their supervision is with their parents. This is because the familiarity of an environment that a child attends on a regular basis, or trusts because it is a place of worship, is an opportunity for abusers to access children even if the parents are present.



Any range must also include those who do not work directly with children, but make decisions that will impact children, for example, religious authorities that issue rulings to other religious settings (and we include family homes as a religious setting). This is evident from Jehuda Baumgarten's oral evidence to the Independent Inquiry into Child Sexual Abuse (IICSA) that the Union of Orthodox Hebrew Congregations (UOHC), the umbrella organisation for Charedi synagogues and other religious institutions that he represented, 'didn't need a child protection policy because it didn't deal directly with children'.⁵

Q6: At what level should mandatory reporting apply?

- Only at an individual level
- Only at an organisational level (bodies, institutions or groups)
- **Both individual and organisational level**
- General duty on adult population
- Don't know

Q7: [If respondent selected 'Only at an organisational level (bodies, institutions or groups)' or 'Both individual and organisational level' in response to the above question] Which organisations or groups should it apply to?

Mandatory reporting should apply at both individual and organisational levels, and the definition of 'organisation' should clearly set out that this refers to a simple understanding of that definition, to include any body, bodies, entity, or entities that exert influence or control over other bodies or entities. This is to capture the obfuscating conduct found by the Charity Commission's investigation into the Watch Tower Bible and Tract Society of Britain.⁶ As another demonstration of why such a clear and simple definition is necessary, in his submission to IICSA on behalf of the United Synagogue Dr Steven Wilson helpfully sets out the relationships between three apparently separate entities: the United Synagogue, the Office of the Chief Rabbi, and the Beth Din (Jewish ecclesiastical court). Any definition of 'organisation' would need to make it clear that all three, are, for the purposes of mandatory reporting, the same organisation.⁷

Section 2: Scope of the duty

Q12: What impacts (positive or negative) do you think a mandatory reporting duty would have on:

⁵ IICSA Inquiry Child Protection in Religious Organisations and Settings (2020), <https://webarchive.nationalarchives.gov.uk/ukgwa/20221215044919/https://www.iicsa.org.uk/key-documents/20985/view/public-hearing-transcript-12-august-2020.pdf> [accessed 9 August 2023]

⁶ Charity Commission (2023) *Watchdog reports on investigation into Watch Tower Bible and Tract Society of Britain* <https://www.gov.uk/government/news/watchdog-reports-on-investigation-into-watch-tower-bible-and-tract-society-of-britain> [accessed 10 Aug 2023]

⁷ IICSA Inquiry Child Protection in Religious Organisations and Settings (2020) <https://webarchive.nationalarchives.gov.uk/ukgwa/20221215045107/https://www.iicsa.org.uk/key-documents/20981/view/UNS000001.pdf> [accessed 10 Aug 2023]



- **Children choosing to make a disclosure, either partially or in full**
We are wary of including children's behaviour or likely responses in this calculation. And prefer to focus on adults behaviour and likely responses.
- **Individuals within scope of the duty reporting known / suspected incidents**
A mandatory duty to report will influence individuals to report known or suspected abuse if a criminal sanction is associated with nonreporting.
- **Organisations within scope of the duty reporting known / suspected incidents**
A mandatory duty to report will influence organisations to report known or suspected abuse if a criminal sanction is associated with nonreporting.
- **Individuals outside the scope of the duty reporting known / suspected incidents**
A mandatory duty to report will influence individuals outside the scope of the duty to report known or suspected abuse if a criminal sanction is associated with nonreporting, because the criminal sanction will shift social attitudes.
- **Organisations outside the scope of the duty reporting known / suspected incidents**
A mandatory duty to report will influence organisations outside the scope of the duty to report known or suspected abuse if a criminal sanction is associated with nonreporting, because the criminal sanction will shift social attitudes.
- **Agencies in the wider safeguarding system that are required to respond to reports of abuse.**
A mandatory duty to report will influence agencies in the wider safeguarding system to report known or suspected abuse if a criminal sanction is associated with nonreporting because a culture of compliance will emerge from the threat of criminal sanction.
- **Members of the public**
A mandatory duty to report will influence members of the public to report known or suspected abuse if a criminal sanction is associated with nonreporting, because the criminal sanction will shift social attitudes.

Q13: At what level of knowledge should a mandatory reporting duty apply?

- Restricted to known incidents of abuse
- **Both known and suspected incidents of abuse (based on recognised indicators of abuse)**

Recognised indicators of abuse are not exhaustive, and makes assumptions about children's reactions to abuse that are too homogenous. Instead, the level of knowledge should cover known and suspected incidents of abuse, and, based on recognised indicators of abuse, known and suspected abusive behaviours by adults. This will shift the exclusive focus from children exhibiting signs of abuse, to adults displaying signs of abusive behaviour, such as seeking to spend time alone with children, love bombing children, or singling them out for special attention, or adults about whom there are known or suspected historical allegations involving themselves with services where they have access to children.

Q14: What should be considered a 'disclosure' of abuse?

The common factor across all the evidence submitted to IICSA was that clear disclosures are rare. IICSA concluded that there are many different factors contributing to this, particularly within the



context of faith communities. Therefore, the definition of disclosure should include disclosure of suspicious behaviour by adults (for example, 'John took me out for ice cream last week, after all the other children went home').

Q15. The Inquiry calls for 'recognised indicators of child sexual abuse', which are unspecified, to be set out in guidance and regularly updated – how would you rate your own personal level of confidence in spotting indicators of child sexual abuse?

5

No-one should ever be fully confident in being able to spot signs of abuse – and concern should arise when absolute confidence is expressed. Every individual has their blindspots and biases. For this reason, other factors must be introduced, such as broadening the focus to include suspicious adult behaviour, including a criminal sanction, and introducing the checks and balances that will be created by including both individuals and organisations in the duty to report.

Q16. How would you rate your sector's current level of confidence in spotting indicators of child sexual abuse?

5

See above.

Section 3: Sanctions for failure to report

Q17. What is your view on the Inquiry's proposal that a breach of the mandatory reporting duty should constitute a criminal offence?

- **Strongly agree**
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Any duty to report must come with criminal sanctions as an incentive towards compliance. For other offences that include a duty to report and the structure of that duty, see terrorism offences and money laundering offences.

Q18: Do you believe that any other types of sanction should apply to breaches of the mandatory reporting duty (for example professional disqualification for individuals, or regulatory action in respect of organisations)?

- **Yes**
- No
- Don't know



Regulatory actions against organisations (such as a restriction on admitting new pupils) and professional disqualification of individuals (such as clergy) would provide an additional layer of protection but is not an adequate substitute for criminal sanctions.

Section 4: How to ensure successful implementation

Q22: Can you foresee any overlap or tension with your or others' existing duties or professional requirements which may be introduced by a mandatory reporting duty?

- Yes
- **No**
- Don't know

Not within this organisation, but it is clear, as evidenced by submissions from both Migdal Emunah⁸ and Kol V'oz⁹ that in some faith communities, there are specific religious duties with which there is significant tension, for example Jewish prohibitions against lashon hara (gossip) and mesira (prohibition against reporting a fellow Jewish person to non-Jewish authorities). While the religious authorities,¹⁰ including the nominated religiously approved support service¹¹ who gave evidence at the Inquiry protested that these factors would not prevent compliance with a mandatory reporting duty, it is our opinion, based on the extensive evidence submitted by support services Migdal Emunah and Kol V'oz, and the oral evidence given by Mr Jim Gamble,¹² Independent Child Safeguarding Commissioner of the City and Hackney Safeguarding Children Partnership, that in practice, there is significant tension between the current (non-mandatory) duty to report and religious prohibitions. Another potential area of tension and conflict is Catholic priest/confessor privilege.

Q23: Do you believe the introduction of a mandatory reporting duty raises any equalities considerations? For example, positive or negative impacts on groups with protected characteristics.

- Yes

⁸IICSA Inquiry Child Protection in Religious Organisations and Settings (2020)
<https://www.iicsa.org.uk/key-documents/21178/view/2020-09-08-migdal-emunah-closing-submissions.pdf>
[accessed 10 August 2023]

⁹ IICSA Inquiry Child Protection in Religious Organisations and Settings (2020)
<https://www.iicsa.org.uk/key-documents/21170/view/2020-08-28-kol-v%27oz-closing-submissions.pdf>
[accessed 10 August 2023]

¹⁰ IICSA Inquiry Child Protection in Religious Organisations and Settings (2020)
<https://www.iicsa.org.uk/key-documents/21184/view/2020-08-13-united-synagogue-closing-submissions.pdf> [accessed 10 August 2023], IICSA Inquiry Child Protection in Religious Organisations and Settings (2020)
<https://www.iicsa.org.uk/key-documents/21166/view/2020-09-04-union-hebrew-congregations-closing-submission.pdf> [accessed 10 August 2023]

¹¹ IICSA Inquiry Child Protection in Religious Organisations and Settings (2020)
<https://www.iicsa.org.uk/key-documents/21168/view/2020-08-28-shema-koli-closing-submissions.pdf>
[accessed 10 August 2023]

¹² IICSA Inquiry Child Protection in Religious Organisations and Settings (2020)
<https://webarchive.nationalarchives.gov.uk/ukgwa/20221215000937/https://www.iicsa.org.uk/key-documents/3742/view/public-hearing-transcript-23-january-2018.pdf> [accessed 10 August 2023]



- **No**
- Don't know

While we anticipate equality concerns arising from those who seek to impose religious exceptionalism on this proposed duty, we strongly urge the Government to remember that the rights of the child are paramount. If religious children were to be excluded from the protections afforded by this proposed duty, that would constitute a grave and indefensible equality concern.

Further, apostates who have left religious groups also enjoy protected status. Any proposal that would prejudice apostates in favour of religious groups would raise questions about conflicting rights.

Q25: Should any additional reforms be implemented to ensure that a mandatory reporting duty successfully safeguards and protects children?

- **Yes**
- No
- Don't know

Provisions within the now scrapped Schools Bill¹³ that address unregistered private schools must be revived as soon as possible, to ensure the safeguarding of the children who attend these institutions. Our view on this inextricable link between safeguarding children and regulating unregistered private schools is shared by the findings of the final IICSA report, and the *Bloom Review*.¹⁴

Q26: Where should reports be made to?

- **Local Authority**
- Police
- elsewhere (please specify)

Reports should be made to the local authority designated officer (LADO), which links local authorities and police services. LADO services must be adequately funded so that there is capacity to manage mandated reporting.

Q27: The Inquiry recommended that “reports from suspicions or knowledge of abuse should be made as soon as practicable”. Should timescales from the point of suspicion/knowledge be defined more specifically?

- **Yes**
- No
- Maybe
- Don't know

¹³ *Schools Bill [HL]* (2022) [online] <https://bills.parliament.uk/bills/3156> [accessed 10 August 2023]

¹⁴ UK Government, *Does the government 'do God'* (2023) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1152684/The_Bloom_Review.pdf [accessed 10 August 2023]



A maximum of 24 hours' time scale should be designated, to reduce the risk of perpetrators fleeing the country.

Q28: Would your organisation need to make any changes in order to ensure the successful implementation of a mandatory reporting duty?

- Yes
- **No**
- Don't know

Q29: Would you as an individual need to make any changes in order to ensure the successful implementation of a mandatory reporting duty?

- Yes
- **No**
- Don't know

Q30: Are there any concerns, including the need for additional support, that you would like to flag for your sector?

- Yes
- No
- **Don't know**

Q31: Are there any additional considerations to ensuring that your sector's workforce or volunteers can meet any new mandatory reporting responsibilities?

- Yes
- **No**
- Don't know

Q32: Besides introducing mandatory reporting, are there any changes that could improve disclosures / reporting / investigations and prosecution of child sexual abuse?

Allowances for religious groups that don't exist for others already compromise the equality of religious institutions, who are legally able to discriminate on the basis of sex, sexual orientation, and gender reassignment. This contributes to an atmosphere where legal requirements and accepted human rights (such as the rights of women to enjoy equal treatment to men, and for LGBT people to enjoy equal treatment to straight people/those who are not trans) are disregarded, based on religious values. In the case of stalled legislation to regulate unregistered faith schools, it is religious values that trump the basic rights of the child to safe education.¹⁵ The deference afforded to religious institutions in these ways is entirely inappropriate, outdated, and causes serious and lasting harm. Mr Jim Gamble, Independent Child Safeguarding Commissioner of the City and Hackney Safeguarding Children Partnership, illustrated this in his oral evidence to IICSA, when he

¹⁵ Andrew Norfolk, 'Hasidic boys' schools leave Jewish pupils barely able to read or write English', *The Times*, 02 March 2023.

<https://www.thetimes.co.uk/article/hasidic-boys-school-abuse-uk-jewish-education-investigation-london-2023-gx385fx52> [Accessed 10 August 2023]



said that safeguarding children in yeshivas (unregistered private Jewish schools) 'was like playing a game of whack a mole'.¹⁶

Further, to make any allowances for religious groups that don't exist for others in the proposed mandated duty to report would allow religious bodies to be arbiters of what the state will and will not require of them. This is because the state is not an authority on religious doctrine. For example, it is Catholics, and not the state, who can decide whether or not priest/confessor privilege is or isn't a central tenet of the Catholic faith. The state cannot be expected to delegate power to a faith body in this way, because doing so would disrupt and deviate from the democratic process. We elect governments, not clergy-people. The proposed mandatory reporting legislation must not require the state to delegate power in this way. (For an example of how this has caused difficulty in the past, see conflict around the Domestic Abuse Act 2021 that Rabbis said caused conflict in Jewish law.¹⁷)

For more details, information, and evidence, contact Humanists UK:

Richy Thompson
Director of Public Affairs and Policy
07534 248 596
richy@humanists.uk
humanists.uk

¹⁶ IICSA Inquiry Child Protection in Religious Organisations and Settings (2020)

<https://webarchive.nationalarchives.gov.uk/ukgwa/20221215000937/https://www.iicsa.org.uk/key-documents/3742/view/public-hearing-transcript-23-january-2018.pdf>
[Accessed 10 August 2023]

¹⁷ Simon Roker, 'Jewish courts insist domestic abuse guidance should protect their role in divorce' *Jewish Chronicle*, 15 September 2021.

<https://www.thejc.com/news/uk/jewish-courts-insist-domestic-abuse-guidance-should-protect-their-role-in-divorce-1.520420> [Accessed 10 August 2023]

