



Home Office

# **Government response to the Interim Report by the Independent Inquiry into Child Sexual Abuse**

## **Progress Update**

July 2019



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# Introduction

In December 2018, the Government published its response to the Interim Report by the Independent Inquiry into Child Sexual Abuse. This note provides an update on progress in implementing the recommendations.

## Child migration programmes

### **Recommendation 2: Establishing a financial redress scheme for former child migrants**

The Chair and Panel recommend that the UK Government establishes a financial redress scheme for surviving former child migrants, providing for an equal award to every applicant. This is on the basis that they were all were exposed to the risk of sexual abuse.

Given the age of the surviving former child migrants, the UK Government is urged to establish the financial redress scheme without delay and expects that payments should start being made within 12 months (of the original report being published), and that no regard is given to any other payments of compensation that have been made in particular cases.

### **Government commitment – December 2018**

The Government committed to establishing an ex-gratia payment scheme to ensure that each surviving former child migrant would receive a payment as soon as possible.

### **Update**

The Department for Health and Social Care (DHSC) announced details of the scheme on 31 January 2019 and the scheme was opened to applicants on 1 March 2019. It is open to any former British child migrant who was alive on 1 March 2018 or the beneficiaries of any former child migrant who was alive on 1 March 2018 and has since passed away. Each eligible former British child migrant is entitled to receive £20,000, regardless of their individual circumstances or payments received from other governments or through private legal action.

To be eligible, the applicant must have been:

- sent from the United Kingdom, the Isle of Man or the Channel Islands before 1971, before his or her 16th birthday;
- sent by a voluntary care agency (or local authority) to Australia, Canada, New Zealand or Rhodesia (now Zimbabwe), not have been accompanied by, sent by or sent to live with, his or her parent(s), adult relative(s) or guardian(s).

Applications to the scheme are managed by the Child Migrants Trust (CMT), who will also support former British child migrants to secure proof of their status, if necessary. The NHS

Business Services Authority (BSA) is administering the payments on behalf of the Government.

As of 15 July 2019, the scheme had made the following progress:

Expressions of Interest received by the CMT	1,728
Application forms issued by the CMT	1,643
Application forms received by the CMT	1,475
Successful payments made or pending	1,452

DHSC expects the scheme to conclude payments by April 2020.

# The criminal justice system

## **Recommendation 4: Ensuring that agencies are compliant with the Victims' Code**

The Chair and Panel recommend that the Ministry of Justice, Home Office and Attorney General commission a joint inspection of compliance with the Victims' Code in relation to victims and survivors of child sexual abuse.

The Victims' Commissioner should be consulted on the inspection approach to ensure that it is fully informed by the experiences of victims and survivors of child sexual abuse.

## **Government commitment – December 2018**

The Government reiterated the commitments set out in the Victims Strategy, including holding agencies to account for compliance with the Victims' Code through improved reporting, monitoring and transparency on whether victims are receiving entitlements; and amending the Code where appropriate. The Ministry of Justice (MoJ) also committed to considering the role the Victims' Commissioner might best play in the process. The Government would also discuss the possibility of a joint inspection with the Criminal Justice Joint Inspection, once the compliance framework was in place.

## **Update**

In conjunction with Police and Crime Commissioners (PCCs) and criminal justice agencies, including the police and Crown Prosecution Service, the MoJ has developed a compliance framework for the Victims' Code focussed on the five entitlements which victims highlighted during work on the Victims Strategy as the most important to them. The framework was launched on 1 April 2019 and monitoring has begun at a local level.

PCCs will oversee data collection at local level: each Local Criminal Justice Board will examine its own data, and the national Criminal Justice Board (CJB) will receive a national report and take action to address significant national non-compliance. The CJB is likely to receive the first national report in early 2020 once the draft framework has been in place for 12 months.

As part of the Victims' Strategy and prior to consulting on a Victims' Law, including extending the powers of the Victims' Commissioner, the MoJ has launched a public consultation on proposals for revising the Victims' Code. The consultation was published online on Thursday 17 July and is available via the following link:

<https://consult.justice.gov.uk/digital-communications/proposed-changes-to-the-victims->

[code](#) . This will be followed by a consultation on a full draft revised Code and then a consultation on victim focussed legislation.

**Recommendation 5: Revising the Criminal Injuries Compensation Scheme to remove barriers faced by victims and survivors of child sexual abuse**

The Chair and Panel recommend that the Ministry of Justice revises the Criminal Injuries Compensation Authority (CICA) rules, so that awards are not automatically rejected in circumstances where an applicant’s criminal convictions are likely to be linked to their child sexual abuse. Each case should be considered on its merits.

**Government Commitment – December 2018**

The Government pledged to consider how the Criminal Injuries Compensation Scheme (CICS) could better serve victims of violent crime including child sexual abuse.

**Update**

The MoJ published the terms of reference of a review of the CICS on 18 December 2018. Work on the review is currently ongoing and is examining whether the Scheme reflects the changing nature of violent crime and effectively supports victims in their recovery. The review is considering how the Scheme can better serve victims of violent crime including child sexual abuse. To inform the review, the MoJ has engaged directly with victims, victims’ groups, representatives and parliamentarians and will take into account the wider findings of the Inquiry through its Accountability and Reparations investigation strand.

The Scheme’s scope, eligibility rules, requirements around decision-making and injury tariffs are being reviewed in the context of the challenges that have been raised by victims in accessing criminal injuries compensation. This will include considering concerns about time limits for making applications, unspent convictions and issues of consent.

The review will report by the end of 2019, and there will be a public consultation on reform proposals later this year.

**Recommendation 6: Revising the Criminal Injuries Compensation Scheme to remove barriers faced by victims and survivors of child sexual abuse.**

The Chair and Panel recommend that CICA ensures that claims relating to child sexual abuse are only considered by caseworkers who have specific and detailed training in the nature and impact of child sexual abuse.

**Government commitment – December 2018**

All CICA case officers were already receiving specialist training on handling sexual abuse cases, including child sexual abuse, and the Authority provided a dedicated caseworker to applicants in particularly complex and difficult cases.

**Update**

CICA continues to look for opportunities to work with stakeholders to improve its understanding of victims' experiences. It has also adapted operational practices to better suit victims' needs. Since the abolition of the pre-1979 "same roof rule" (see update to recommendation 7 below), which has prevented victims, many of whom were child victims of sexual and physical abuse, from receiving compensation in the past, CICA is providing specialist application support and named caseworkers for those affected by this rule who wish to apply or reapply for compensation.

**Recommendation 7: Revising the Criminal Injuries Compensation Scheme to remove barriers faced by victims and survivors of child sexual abuse**

The Ministry of Justice revise CICA rules so that all applicants who previously applied for compensation in relation to child sexual abuse - but were refused solely due to the 'same-roof' rule - should be entitled to reapply for compensation and have their claim approved by CICA.

**Government commitment – December 2018**

The Government pledged to abolish the rule which denied compensation for some victims who continued to live with their attacker as members of the same family prior to 1979.

MoJ confirmed that an amended CICS 2012 would be laid before Parliament to remove the pre-1979 rule. It was intended that victims whose applications for compensation were

refused under the pre-1979 rule would be able to reapply. Applicants would still need to meet all the remaining eligibility criteria within the CICS.

## Update

This action is now complete. On 10 December 2018 the MoJ confirmed its intention to remove the rule which denied compensation to victims who continued to live with their attacked as members of the same family prior to 1979. The instrument required to amend the Criminal Injuries Compensation Scheme 2012 was laid before Parliament on 28 March 2019. The legislation has been passed and the amended 2012 Scheme came into effect on 13 June 2019. The pre-1979 “same roof” rule has been removed, enabling new ‘first’ applications to be made by victims of incidents that occurred between 1964 and 1979 who have not previously applied to the Scheme. Further, the amended Scheme provides for past claimants refused under the rule, whether or not that was the sole ground on which an award was withheld, to be able to reapply. Claimants will need to meet all the remaining eligibility criteria within the 2012 Scheme, and where they do, an award will be made.

## Civil justice system

### **Recommendation 9: Ensuring that victims and survivors can provide the best evidence in civil court cases**

The Chair and Panel recommend that the Ministry of Justice provides in primary legislation that victims and survivors of child sexual abuse in civil court cases, where they are claiming compensation in relation to the abuse they suffered, are afforded the same protections as vulnerable witnesses in criminal court cases.

The Chair and Panel understand that cost is already a barrier to victims and survivors considering a civil claim. In considering how to fund the implementation of this recommendation, the Ministry of Justice must ensure that this barrier is not further increased.

The Chair and Panel recommend that the Civil Procedure Rule Committee amends the Civil Procedure Rules to ensure that judges presiding over cases relating to child sexual abuse consider the use of protections for vulnerable witnesses.

### **Government commitment – December 2018**

At the request of the MoJ, the Master of the Rolls, the senior civil judge in England and Wales, agreed to the Civil Justice Council (CJC), the statutory body responsible for advising on the modernisation of the civil justice system, considering these issues, drawing on the experience not only of the criminal but also the family justice systems.

Work had already commenced by seeking views and experiences of the civil judiciary. A subcommittee of the CJC was specifically looking at this issue, with the aim of making recommendations. The MoJ would then liaise with the Civil Procedure Rule Committee in relation to existing rules and as to whether any other provision about protections was appropriate.

### **Update**

A subcommittee of the CJC, a group of judges and officials led by His Honour Judge Barry Cotter QC, is specifically looking at issues raised by this recommendation. The subcommittee has drafted a consultation document to share with members of the CJC and will produce a final report pulling together consultation responses in the Autumn. The MoJ will then liaise with the Civil Procedure Rule Committee to share the final report, how the

findings might relate to existing rules and whether any other provision about protections is appropriate.

## The health sector

### **Recommendation 10: Developing a national policy on the training and use of Chaperones**

The Chair and Panel recommend that the Department of Health and Social Care develops a national policy for the training and use of chaperones in the treatment of children in healthcare services.

The Chair and Panel recommend that the Care Quality Commission considers compliance with national chaperone policies (once implemented) in its assessments of services.

### **Government commitment – December 2018**

DHSC committed to seek assurance from NHS England and the Care Quality Commission (CQC) that the relevant organisations had chaperone protocols in place to safeguard children, young people and vulnerable adults in their care.

### **Update**

All acute, community and primary care providers registered with the CQC are required to have chaperone policies and protocols, which are regularly reviewed through scrutiny at provider organisation Boards or, in the case of primary care, via GP contract reviews.

NHS England has developed chaperone guidance notes which set out clear principles of chaperoning and include examples of good practice from different NHS organisations. The notes have been developed by safeguarding experts and commissioners across a range of healthcare settings and subjected to robust legal scrutiny and internal governance through NHS England's National Safeguarding Steering Group. The guidance notes were signed off by the NHS England and NHS Improvement Executive team in May 2019. They are now on the website and have been disseminated through the extensive communication channels of NHS England and NHS Improvement which reaches all sectors, organisations, and clinicians across the NHS. This will ensure that they are mainstreamed into existing safeguarding assurance policy, processes and procedures.

DHSC will continue to require the CQC to assess providers' policies and protocols on their inspection visits.

## Professional and political

### **Recommendation 13: Culture change within the police service**

The Chair and Panel recommend that any police officer (or staff equivalent) who wants to progress to the Chief Officer cadre must first be required to:

- a) have operational policing experience in preventing and responding to child sexual abuse, and
- b) achieve accreditation in the role of the police service in preventing and responding to child sexual abuse.

The Home Office should amend entry requirements using its powers under the Police Regulations 2003 to achieve this. The Chair and Panel recommend that the College of Policing develops the training content and accreditation arrangements.

### **Government commitment – December 2018**

The College of Policing was improving its safeguarding and vulnerability training and committed to a range of wider activities specifically focused at chief officer level. The Home Office and the College of Policing had drawn up a programme of non-legislative changes which sought to ensure that there is a broader understanding of safeguarding and vulnerability across all levels of leadership in policing. The need for legislative changes would be kept under review by the Home Office as this work developed.

### **Update**

The College of Policing has made progress in delivering this programme of non-legislative changes.

1. Development of a licence to practise in high-harm and risk areas:

The College of Policing decided that a licence to practise scheme would benefit from a period of being piloted and it intends to test elements of the scheme through its Public Protection and Safeguarding (PPS) Leaders programme. The learning programme for the first cohort of 20 PPS leaders commenced with the dissemination of pre-learning material in May 2019, and the classroom elements will take place in July. A second cohort is scheduled to begin the programme at the end of July.

2. Designing a professional development support tool:

The College has developed a self-assessment tool for those who have been successful at the Senior Police National Assessment Centre (PNAC). PNAC must be passed in order to access the Senior Command Course (SCC) and become a chief officer. The tool is intended to support applicants for SCC to identify areas for development - with significant emphasis on experience of dealing with child sexual abuse - and to suggest options to fill those gaps. The tool was made available to those considering applying for SCC in January 2019 and the first cohort to be able to use the tool will commence SCC in September.

3. Developing an enhanced national Strategic Command Course (SCC):

In December 2018, the College was in the process of designing updated content for the 2019 SCC. The College wrote the new learning outcome and operational leadership vulnerability scenario in December 2018; and the redesigned vulnerability assessment in January 2019, all of which were available to the 2019 cohort. The 2019 SCC, attended by 53 students, included a significant increase in vulnerability-related learning with the following learning objectives:

- Have a critical awareness of the complex nature of threat, harm and risk managed by agencies responsible for vulnerability and public protection.
- Critically understand processes for ensuring suspects are effectively managed through the use of statutory and evidence-based frameworks.
- Formulate solutions for protection of the vulnerable, whilst managing the implications for wellbeing and resilience of others.

The learning programme included a day tackling vulnerability, with a session dedicated to child sexual abuse and exploitation. The National Crime Agency (NCA) also provided a full day of presentations and discussions about its work, including on child sexual exploitation. All these materials are available to course alumni on the College Knowledge Hub.

4. Building on the published guiding principles for organisational leadership and the Chief Officer Appointments Guidance:

The College is updating advice to chief officers and PCCs to support the selection of officers and staff to command roles. The new advice will give more guidance on balancing skills and experience as part of the development of a role profile and assessment criteria for a selection process. The advice includes a list of national priority issues such as tackling vulnerability and child sexual exploitation and abuse. The College of Policing reports that it expects to issue this advice later in Summer 2019.

5. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) Inspections:

HMICFRS continues to inspect against forces' awareness of and response to child sexual exploitation through its rolling National Child Protection Inspection programme (NCPI). The Inspectorate has published five inspection reports since January 2019, including four post-inspection review reports. NCPI reports for Lincolnshire Police (February 2019), Gwent Police (June 2019) and post-inspection reviews for Bedfordshire Police, Lancashire Police, Northumbria Police (April 2019) and the Metropolitan Police Service (March 2019) are published on the Inspectorate's website and provide information for the police, PCCs and the public on how well children are protected and to secure improvements for the future. The Inspectorate is preparing to produce a thematic report in the summer on the basis of its most recent inspection findings. HMICFRS provides an independent assessment of the effectiveness of police forces, and the Government considers findings carefully.

The Home Office continues to keep under review the need for legislative changes and has not identified any such need to date.

## Structural

### **Recommendation 14: Ensuring that care staff working in children’s homes are professionally registered**

The Chair and Panel recommend that the Department for Education introduces arrangements for the registration of staff working in care roles in children’s homes. Registration should be with an independent body charged with setting and maintaining standards of training, conduct and continuing professional development, and with the power to enforce these through fitness to practise procedures.

The Chair and Panel recognise that registration may require a period of phasing in, and therefore recommend that priority be given to professional registration of children’s home managers.

### **Government commitment – December 2018**

The Government agreed in principle that further workforce regulation could provide an effective additional means of protecting children and committed to the launch of an evidence-gathering exercise to understand the impact of this recommendation in order to ensure that further action is informed by the best possible evidence.

### **Update**

The Department for Education (DfE) launched a Call for Evidence on children’s homes in June 2019. A link is provided [here](https://www.gov.uk/government/consultations/childrens-homes-workforce-call-for-evidence)<sup>1</sup>. This exercise will collect views from the sector, including children’s homes, providers, local authorities and members of staff, on existing approaches to regulating the workforce and establishing professional registration requirements for people in care roles. DfE worked with the sector to ensure questions are focussed on the most relevant workforce issues, including professional registration, the existing approach to registering managers of children’s homes, staff qualifications and training and professional standards. Prior to launching the Call for Evidence, DfE commissioned a literature review on these issues, to take account of existing evidence and inform questions for the Call for Evidence.

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<sup>1</sup> <https://www.gov.uk/government/consultations/childrens-homes-workforce-call-for-evidence>

This work will develop the Department's understanding of the potential merits and consequences of taking forward the recommendation, and sector views on the effectiveness of existing approaches to regulating the workforce.

The Call for Evidence will close on 27 August 2019, and DfE will use the findings to consider any action to be taken in response. DfE will publish a summary of this work and the government's response in due course.

**Recommendation 15: Ensuring that registered professionals who pose a risk or harm to children are barred from working with children across all sectors**

The Chair and Panel recommend that the Home Office ensures that the Safeguarding Vulnerable Groups Act 2006 is amended so that, where a fitness to practise hearing has been conducted by the keeper of a relevant register and has resulted in removal of a practitioner from that register for reasons relating to harm or risk of harm to children:

a) the keeper of the register has a duty to refer that information to the Disclosure and Barring Service (DBS), and

b) the DBS, on receiving the referral, has a duty to automatically bar the practitioner from working with children, allowing them the opportunity to make representations to the DBS if they consider the bar to be disproportionate or unfair.

**Government commitment – December 2018**

The Home Office said that it would ask the DBS to continue its close engagement with all professional bodies to ensure that effective information sharing takes place at all stages of their respective decision-making processes, and to inform the department of any emerging issues.

**Update**

The Home Office asked the DBS to continue its close engagement with professional bodies to ensure that effective information sharing takes place at all stages of their respective decision-making processes. The DBS engages closely with professional bodies such as the General Medical Council, the Nursing and Midwifery Council, the Teaching Regulation Agency and the CQC as part of its day-to-day operations, in particular in relation to sharing information in the consideration and determination of barring referral cases.

In addition to this, the DBS is in the process of establishing single points of contact at a strategic level with all Keepers of Registers and Supervisory Authorities to facilitate and support enhancements to safeguarding practices in line with its Strategic objective 'To become a highly valued public organisation' as set out in its Strategic Plan 2017-2020.

By the end of August, the DBS will have had meetings with all of the largest Keepers of Registers and Supervisory Authorities to discuss this matter, and by July will have established single points of contact with them all. There are no emerging issues at present.

## Financial

### **Recommendation 17: Establishing the current level of support available for victims and survivors and public expenditure on these services**

The Chair and Panel recommend that the Department of Health and Social Care, the Department for Education, the Ministry of Justice and the Home Office work together to establish current levels of public expenditure, and the effectiveness of that expenditure on services for child victims and adult survivors of child sexual abuse in England.

### **Government commitment – December 2018**

The Government committed to collate information from across departments on public expenditure on support for victims of child sexual abuse, including methodologies used to measure the effectiveness of this spend. The Government committed to present findings to the Inquiry within one year.

The NHS recently published its Strategic Direction on Sexual Assault and Abuse (SAAS). Governance of SAAS is through the SAAS Partnership Board, which includes representatives from NHS England, MoJ, Home Office and the Association of Police and Crime Commissioners. Given its overview of the funding landscape for sexual violence, the SAAS Partnership Board has agreed that it will supervise the response to this recommendation.

### **Update**

The MoJ has established a cross-government working group with DHSC, DfE and Home Office. Through the group, the MoJ has gathered data on the current level of public expenditure on services dedicated to providing tailored support for child victims and adult survivors of sexual abuse; and it is considering the effectiveness of that expenditure. A progress report will be submitted to the SAAS Partnership Board in September. Work is on track to present these findings to the Inquiry by December 2019.

