

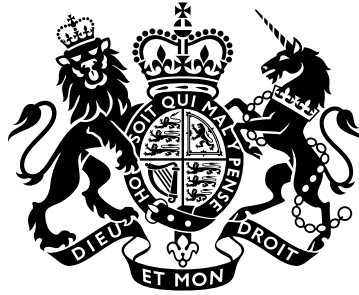


HM Government

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

December 2018





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

Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of Her Majesty

December 2018



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## Introduction

1. The Government is very grateful to the Inquiry for its Interim Report and the insight it provides. The Government is committed to tackling child sexual abuse and exploitation in all its forms and Departments have worked closely together to consider carefully the Inquiry's recommendations. The Government's response to each is set out below in turn.

## Child migration programmes

2. The Interim Report repeats recommendations set out in the investigation report of the child migration programmes case study published on 1 March 2018<sup>1</sup>. This case study examined institutional failings by organisations based in England and Wales relating to the sexual abuse of children in child migration programmes.
3. The Government welcomes the Inquiry's investigation report on child migration programmes. The report provides a comprehensive history of child migration from the pre-war period until 1970, when migration ceased. It includes a careful analysis of the legal and policy frameworks by which child migration was governed and managed and of the role of the different institutions – in the UK and overseas – which were responsible for carrying out child migration. The moving testimony of former child migrants helps to ensure that the report is grounded in the real lives and experiences of those children who were sent overseas and who were failed by the organisations and individuals responsible for their care.
4. The Government has long accepted that child migration was wrong and that it led to hardship and distress for many of those sent overseas. In 2010, following consultation with former child migrants and their representatives, the Government made a national apology to acknowledge and put on record the nation's regret that child migration took place. This had the support of all parties in Parliament.

### Recommendation 1: Apologies to former child migrants

The Chair and Panel recommend that institutions involved in the child migration programmes who have not apologised for their role should give such apologies as soon as possible. Apologies should not only be made through public statements but specifically to those child migrants for whose migration they were responsible.

5. In the investigation report, the Inquiry states that it is “troubled by the amount of time it took successive British Governments to acknowledge the full responsibility of HMG for the fate of child migrants”. The Inquiry goes on to say, however:

*Through the national apology given in 2010, the evidence provided to the Inquiry and the apologies repeated before us, the British Government has now accepted the failings of the child migration programmes including in part with respect to the risk of sexual abuse. We do not consider it appropriate to recommend that they make any further acknowledgement of or apology for the failings that took place.*

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<sup>1</sup> <https://www.iicsa.org.uk/key-documents/4265/view/Child%20Migration%20Programmes%20Investigation%20Report%20March%202018.pdf>

### 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.*

6. The Inquiry's report correctly states that "post-War child migration was a fundamentally flawed policy". The Government acknowledged and accepted that assessment at the time of the national apology in 2010 and in fact went further, calling it a "shameful episode of history and this failure in the first duty of a nation, which is to protect its children". Since the experiences of child migrants were first identified by Margaret Humphreys in the 1980s, and following the report by the Health Select Committee in 1998<sup>2</sup>, the Government has accepted that there was never a place for child migration in the way the nation cares for its children.
7. In 1999 the Government decided to provide practical support for former child migrants, to help them to manage the consequences of their experiences as children. This decision was taken in consultation with former child migrants and their representatives. At that time, the Government provided access to files and other information, increased funding for the Child Migrants Trust, which provides former child migrants with practical support and advice, and a £1 million travel fund.
8. This approach – of providing services to help and support former child migrants – was confirmed in 2010, at the time of the national apology. Since 2010, the Department of Health and Social Care (DHSC) has provided grants of over £5 million to the Child Migrants Trust and has committed £8 million to the Family Restoration Fund, managed by the Child Migrants Trust. The fund helps to reunite former child migrants with their families, so that they can build relationships, be involved in significant family events, or urgently visit relatives in times of crisis, such as serious illness or death.
9. To date, over 1,242 trips have been funded by the Family Restoration Fund, and the Child Migrants Trust has helped hundreds of individuals and their families. Those who have benefited from them have universally welcomed these services.
10. However, DHSC has considered carefully the Inquiry's recommendation that all surviving former child migrants should be paid redress, in addition to the support already available. In recognition of the exceptional and specific nature of Child Migration, **the Government will establish a scheme to ensure that each surviving former child migrant receives a payment as soon as possible**. Further details of the arrangements will be published shortly. The Government is mindful of the age and declining health of surviving former child migrants so the ex-gratia payment scheme for former child migrants will be in operation as soon as is practicable. A number of former child migrants have sadly passed away since the Inquiry published its report, so the Government will accept claims in respect of any former child migrant who was alive on 1 March 2018, when the Inquiry's Child Migration report was published.

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<sup>2</sup> <https://publications.parliament.uk/pa/cm199798/cmselect/cmhealth/755/75502.htm>



11. These ex-gratia payments will be payable as an award to all applicants regardless of their individual circumstances, building upon the national apology to former child migrants and the practical support already provided by the Government. This ex-gratia scheme provides further acknowledgement that the child migration schemes were wrong.
12. Having listened carefully to the evidence given to the Inquiry and having heard first-hand the experiences of former child migrants, the Government recognises that the Family Restoration Fund continues to provide a valuable service. **Alongside the ex-gratia payments, the Government will continue the Fund until the end of the scheme, by which time the Fund will have provided over £8 million to support reunions, over more than a decade.**

**Recommendation 3: Better management of records that include information about former child migrants**

*The Chair and Panel recommend that all institutions which sent children abroad as part of the child migration programmes should ensure that they have robust systems in place for retaining and preserving any remaining records that may contain information about individual child migrants, and should provide easy access to them.*

13. The Government has robust policies and processes in place for the management of information, including personal information, and will take reasonable steps to provide access to any relevant documents still held by Government in accordance with these.

## 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.*

14. The Inquiry raises concerns that victims and survivors of child sexual abuse are not consistently receiving the service to which they are entitled under the Victims' Code.
15. **The cross-government Victims Strategy was published in September and sets out our commitments to improve support for victims of crime.** The Strategy commits to hold agencies to account for compliance with the Victims' Code through improved reporting, monitoring and transparency on whether victims are receiving entitlements. This goes hand in hand with amending the Code to make sure that the entitlements victims receive are the right ones in the first place. At a local level Police and Crime Commissioners will be responsible for regularly monitoring and identifying issues through local criminal justice partnership arrangements so they can determine effective local intervention. The Criminal Justice Board and Ministers will receive reports to monitor delivery at a national level and address cross-cutting issues with national service providers. The Ministry of Justice (MoJ) is considering the role the Victims' Commissioner might best play in the process as it is developed.
16. The Criminal Justice Joint Inspection (CJJI) brings together the four relevant Inspectorates in this area: HM Inspectorate of Constabulary and Fire & Rescue Services, HM Crown Prosecution Service Inspectorate, HM Inspectorate of Prisons, and HM Inspectorate of Probation. The CCJI and the relevant Inspectorates are independent, and consult publicly on their programme of work. The Government will discuss the possibility of a joint inspection with the CJJI once the compliance framework is formally commenced.

### 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.*

17. The Criminal Injuries Compensation Scheme (CICS) is a statutory scheme made by the Secretary of State under the Criminal Injuries Compensation Act 1995 having been approved by Parliament. It provides for financial awards to victims who have suffered a serious physical or mental injury as the direct result of a violent crime in Great Britain; this includes physical and sexual assaults.

18. The Inquiry highlights barriers faced by victims and survivors of child sexual abuse when applying for compensation, including concern that some eligibility criteria have an unfair impact on them.
19. **The cross-government Victims Strategy announced that the Government will consider how the CICS can better serve victims of violent crime including child sexual abuse and terrorism.** We have published the terms of reference for the review, which will examine whether the CICS remains fit for purpose, reflects the changing nature of violent crime and effectively supports victims in their recovery. We will consult publicly on proposals in 2019. The Victims Strategy also sets out actions to improve access to compensation and the experience of victims making claims.

**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.*

20. CICA, an Executive Agency of the MoJ, is responsible for operating the CICS and applying the rules to individual applications independently from ministers and Parliament.
21. **All CICA operational staff are given training on sexual abuse cases, including child sexual abuse. CICA provides a dedicated caseworker to applicants in particularly complex and difficult cases and is considering options to extend this to other cases. In 2017, CICA worked with external stakeholders and victims' groups to introduce more robust guidance and targeted training about grooming and exploitation for all staff dealing with applications from child victims of sexual abuse. In addition, CICA has already enhanced its guidance on exceptional circumstances, where applications about non-recent sexual abuse are submitted outside of the time limits, so that staff take full account of reasons why claims may not be made promptly.** Internal training is complemented by that provided by expert external stakeholders. Recently, the Samaritans delivered bespoke training to CICA's customer service staff. This focused on understanding how victims cope with the aftermath of their experience and providing specialist call handling skills to ensure CICA staff are equipped to help the most vulnerable of applicants. The training also offered strategies to help build and maintain their personal resilience, safeguarding their ability to provide a consistent level of service. In addition, Police Scotland's specialist National Child Abuse Investigation Unit attended CICA's offices to explain their role to staff, the nature of child sexual exploitation and how they investigate allegations of child sexual abuse and treat victims of such abuse. In October 2018, Rape Crisis Scotland's Director of Operations delivered additional awareness sessions to staff on sexual assault and violence. The aims of these sessions included increasing understanding of the nature and impact of sexual violence and how this might impact an applicant during the process of claiming 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.*

22. The 'same roof rule' is another of the eligibility rules of the CICS that the MoJ has been considering. Further to what is set out in the response to recommendation five above, the Victims Strategy **announced that the Government will abolish the rule which denies compensation for some victims who continued to live with their attacker as members of the same family prior to 1979.**
23. Action is required following a judgment from the Court of Appeal in July that the rule amounted to unlawful discrimination and constituted a breach of the human rights of the appellant. **The MoJ considered carefully the full implications of the decision and on 10 December confirmed that an amended CICS 2012 will be laid before Parliament in due course, which will remove the pre-1979 rule. It is intended that victims whose applications for compensation were refused under the pre-1979 rule will be able to reapply. Applicants will still need to meet all the remaining eligibility criteria within the CICS.**

## The civil justice system

### **Recommendation 8: Consider the feasibility of a register of public liability insurers to help claimants locate the information they need in order to bring a claim relating to child sexual abuse**

*The Chair and Panel recommend that the Association of British Insurers (ABI) considers whether a register of public liability insurers could be introduced to assist claimants in child sexual abuse cases in locating the insurers relevant to their claim, and how it would operate.*

*The Chair and Panel recommend that the ABI sets out its consideration of the issue and the conclusions it has reached in a written update within 12 months of the publication of this report.*

24. This recommendation is not directed at Government.

### **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.*

25. The Inquiry highlights concerns of victims and survivors of child sexual abuse about their experience of giving evidence in civil justice proceedings relating to the abuse they suffered.
26. Whilst the civil courts do not have the range of protections that are available to vulnerable and intimidated witnesses in criminal justice proceedings, measures do exist to help witnesses to give their best evidence. Rule 32 of the Civil Procedure Rules, which covers how evidence can be given in civil court cases, provides some safeguards for vulnerable witnesses.
27. The MoJ agrees, however, that there is a need for better understanding of how these provisions currently operate and where improvements might be needed, not only for victims and survivors of child sexual abuse, but for any vulnerable witness in the civil justice system.
28. **At the request of the MoJ, the Master of the Rolls, the senior civil judge in England and Wales, has 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.**

29. **Work has already commenced by seeking views and experiences of the civil judiciary. A subcommittee of the CJC are specifically looking at this issue, with the aim of making recommendations. The MoJ will then liaise with the Civil Procedure Rule Committee in relation to existing rules and as to 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.*

30. DHSC fully supports the use of chaperones for children, young people and adults at risk, when using healthcare services. To support organisations, NHS England has developed a chaperone guidance note which sets out clear principles of chaperoning and includes a number of examples of good practice chaperone policies which can be applied across a range of healthcare settings
31. All acute, community and primary care providers registered with the Care Quality Commission (CQC) are required to have active 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. CQC assesses providers' policies and protocols on their inspection visits.
32. These locally- owned protocols are based on policies developed by the Royal Colleges and other national clinical networks to ensure they represent best practice and are rightly tailored to meet local need but retaining common principles. Whilst DHSC fully supports this approach, its role is not to set these policies and protocols.
33. **DHSC will seek assurance from NHS England and CQC that the relevant organisations have chaperone protocols in place to safeguard children, young people and vulnerable adults in their care.**

### **Recommendation 11: Developing a national policy on the training and use of chaperones**

*The Chair and Panel recommend that the Welsh Government 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 Healthcare Inspectorate Wales considers compliance with national chaperone policies (once implemented) in its assessments of services.*

34. This is a matter for the Welsh Government.

## Professional and political

### **Recommendation 12: Ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (also known as the ‘Lanzarote Convention’)**

*The Chair and Panel recommend that the UK Government ratifies the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the ‘Lanzarote Convention’) without further delay. They also recommend that ratification is followed, again without further delay, by action to implement the Lanzarote Convention.*

*The Chair and Panel recommend that the Home Office, as the lead UK Government department, publishes the timetable for ratifying the Lanzarote Convention and taking any additional steps required to make the UK fully compliant by June 2018.*

35. The Lanzarote Convention is an ambitious and comprehensive international legal instrument. It extends existing United Nations and Council of Europe standards to cover all possible kinds of sexual offences against children. The Convention covers sexual abuse within the child’s family or ‘circle of trust,’ as well as acts carried out for commercial or profit-making purposes. It requires signatories to establish specific legislation to criminalise such behaviour and take measures to prevent sexual violence, protect child victims and prosecute perpetrators.
36. **On 20 June 2018 the UK Government formally ratified the Lanzarote Convention.** The UK is fully compliant with the Convention and no further steps or actions are required by the Government to implement its Articles. In ratifying the Convention, the UK will be bound to comply with its requirements as overseen by the Committee.
37. **The UK now reports regularly to the Committee on how it is complying with the Convention. The UK is also participating in the collection, analysis and exchange of information, experience and good practice between states, to improve their capacity to prevent and combat sexual exploitation and sexual abuse of children.**

### **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.*



38. The Home Office has carefully considered this recommendation with the College of Policing. The Home Office agrees that there is a need within the police to raise the profile and status of work to tackle child sexual abuse and that a leadership cadre with this experience is crucial to ensuring that the challenges facing modern policing can be met.
39. However, the Home Office is concerned that the Inquiry's recommendation is not practical and would not achieve the desired aim. There are two principal concerns. First, a legal change making this experience an absolute requirement for all officers seeking to progress to senior ranks could limit the progression of talented individuals with other valuable skills and experience including those coming through direct entry programmes. Second, it would prioritise experience of child sexual abuse over other kinds of experience needed in policing, such as cyber crime and broader public protection, including domestic violence as well as wider business skills required to effectively lead a force.
40. The Home Office and the College of Policing have therefore drawn up a programme of non-legislative changes which seek to ensure that there is a broader understanding of safeguarding and vulnerability across all levels of leadership in policing.
41. **The College of Policing is improving its offer in respect of safeguarding and vulnerability training to ensure that leaders at all levels prioritise, recognise and respond to safeguarding and vulnerability effectively.** To date, this includes the following:
- a) Enhanced coverage of vulnerability in the curriculum for the Police Constable Degree Apprenticeship which was rolled out from September 2018. The vulnerability curriculum is now a formal part of all new recruit entry programmes, including direct entry at inspector and superintendent level.
  - b) Courses aimed at equipping undercover officers to undertake covert policing activity to tackle online child sexual exploitation.
  - c) The development of a licence to practise in high-harm and risk areas, with Public Protection and Safeguarding Leaders currently being considered as the first area for testing. The learning programme for this cohort is in development now, with the first courses expected in the first quarter of 2019.
42. **The College of Policing has also committed to a range of wider activities specifically focused at chief officer development, including:**
- a) Designing a professional development support tool by January 2019, to help senior officers and staff who do not have experience of child sexual abuse investigations to attain the necessary knowledge and skills. Updated Continuous Professional Development material is now available to all ranks, including for superintendent and chief officer ranks.
  - b) Developing an enhanced national Strategic Command Course (SCC). A revised chief officer learning standard has been developed and the College is in the process of designing updated content for the 2019 course, taking into account the responses to the recommendations. Both the new learning outcome and operational leadership vulnerability scenario will be written by the end of December and a redesigned vulnerability assessment for the next SCC cohort will be ready for January 2019.

- c) Building on the published guiding principles for organisational leadership<sup>3</sup> and the Chief Officer Appointments Guidance<sup>4</sup>. By spring 2019 it will issue advice to chief constables and Police and Crime Commissioners to help to ensure that they are more actively considering the balance of skills (including safeguarding experience) across senior leadership teams.
43. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services has agreed that it will continue to inspect against forces' awareness of and response to child sexual abuse as part of its national child protection inspections.
44. **The need for legislative changes will be kept under review by the Home Office as this work develops.**

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<sup>3</sup> <http://www.college.police.uk/What-we-do/Development/Promotion/police-leadership-guiding-principles/Pages/Police-leadership-guiding-principles.aspx>

<sup>4</sup> <http://www.college.police.uk/What-we-do/Support/Recruitment/chief-officers/Pages/default.aspx>

## Structural

### Recommendations 14 & 15

#### 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.*

#### 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.*

45. Ensuring that children are properly safeguarded from abuse is vital. Everyone, including the Government, has a role to play in making sure sufficient safeguards are in place to protect children, particularly where this concerns people who work with them.
46. The Government agrees with the Inquiry that there should be a rigorous approach in place to safeguard children from abuse, and that the arrangements for identifying and removing those who are unsuitable to work with children is a key part of this. This is particularly important in children's homes, where care staff look after some of the most vulnerable children.
47. It is vital that those who pose a risk of harm to children are barred from working closely with them, and that there are processes in place to assist institutions and employers to fulfil their own safeguarding responsibilities. The Government supports institutions to make safer recruitment decisions by providing criminal records information via the Disclosure and Barring Service (DBS), enabling employers to judge the suitability of those who work for them. Employers should share information with regulatory bodies, the DBS and police where appropriate to ensure that those who can take action have the information they need to do so.

48. Employers of people who work with children, including providers of children's homes, should have effective and robust safeguarding practices in place to protect children and respond to allegations made, particularly where this involves a member of their staff. The Department for Education (DfE) publishes guidance for children's homes to support them in meeting the Quality Standards set out in the Children's Homes Regulations, including on safeguarding and responding to allegations of abuse.

## Response: Recommendation 14

49. The Government is committed to ensuring that those working in children's homes are suitable to do so and do not present a risk to children, and that we have rigorous measures in place to protect children in children's homes, particularly where this involves members of staff.
50. Further workforce regulation could be an effective means of better protecting children from abuse and, as such, the Government accepts the principle of the Inquiry's recommendation to establish professional registration for staff in care roles in children's homes. It is important that we consider the benefits and potential consequences of implementing further workforce regulation, and the Government will therefore launch an exercise to gather further evidence and evaluate the findings.
51. This type of reform could also support children's homes to foster the Quality Standards set out in the children's homes regulations, by formally embedding these in the standards expected of staff. The regulations aim to establish a culture in homes where staff apply their skills and professional judgement to provide high-quality, tailored care, have high aspirations, and aim to achieve positive outcomes for all the children in their care. Additional workforce regulation could be an effective mechanism for formally establishing these professional standards for each and every member of staff.
52. There are already robust arrangements in place to regulate children's homes – as set out in the Care Standards Act 2000 and the Children's Homes Regulations (England) 2015 – and we must ensure any further regulation complements these systems. The existing measures include the requirement for providers and managers of children's homes to be registered with Ofsted, making them accountable for compliance with the regulations. Each individual connected to the registration of a children's home has their fitness to practise continually assessed by Ofsted. If a provider or registered manager is not meeting their legal obligations, they can be removed from the register, and prosecuted for any offences.
53. Providers of children's homes must also carry out pre-employment checks and obtain an enhanced disclosure certificate with a check of the children's barred list for each member of staff before they can start working in a home. They must have policies and procedures in place to respond to allegations of abuse or neglect, including arrangements for informing relevant local authorities, and to ensure that all staff receive supervision from an appropriately qualified and experienced professional. Staff must have their performance and fitness to carry out their role formally appraised at least once annually.
54. Ofsted, as part of its regular inspections, assesses how well children and young people are protected, including safeguarding arrangements related to staff. As part of this, it receives a monthly report from an independent visitor to the home, who speaks to children and staff about their experiences in the home, including about safeguarding issues. Ofsted uses intelligence from these reports to inform inspections.
55. These comprehensive measures provide rigorous procedures to ensure that children are safeguarded from harm. However, we must not be complacent and we welcome any proposal that can help to prevent instances of child sexual abuse.

56. **The Government agrees in principle that further workforce regulation could provide an effective additional means of protecting children. We are mindful that introducing professional registration for all staff in care roles in children’s homes would represent major change for the sector. We will therefore launch 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.**

## Response: Recommendation 15

57. The Home Office recognises the Inquiry’s concerns that the disclosure and barring arrangements must deliver robust safeguarding arrangements to protect children. Therefore, the existing legislation places a statutory duty on employers who have safeguarding concerns about an employee in regulated activity to refer the matter to the DBS. This means that safeguarding concerns are raised with the DBS at the earliest opportunity rather than waiting for a fitness to practise hearing to be concluded. The employer will also refer the matter to the appropriate keeper of register<sup>5</sup>. The DBS will request and consider relevant information from professional bodies as part of its consideration for barring. Engagement and information sharing therefore takes place between employers, professional bodies and the DBS.
58. Given this, the Home Office believes the barring regime requires safeguarding concerns to be referred to the DBS at the earliest opportunity and provides the necessary protections to children.
59. The Inquiry’s recommendation that an individual who has been removed from a professional register should then be automatically barred by the DBS is not consistent with other routes to barring. Automatic barring takes place where someone has been convicted of a relevant offence<sup>6</sup> or admitted guilt through acceptance of a caution for a relevant offence. A fitness to practise hearing is concerned about an individual having the skills, knowledge and character to practise their profession safely and effectively. These hearings are intended to ensure public safety, to maintain public confidence in the professions, or to maintain proper standards of behaviour. That is not the same as judging that they have committed an offence, which will then be punished by an appropriate criminal justice sanction. The test in a criminal case is based on the legal test of beyond reasonable doubt and is not comparable with the judgments made in the fitness to practise hearing, which are based on the civil standard of the balance of probability.
60. The Home Office therefore considers that automatic barring would be disproportionate. Further, as the behaviour or incident prompting the fitness to practise hearing will have been referred to the DBS by the employer under their statutory duty to report the matter, the proposed new duty is unnecessary. The DBS will have been made aware of the concerns at an early stage by the employer. The DBS will also liaise with the relevant professional body in the course of its barring considerations so will take into account the outcome of a fitness to practise hearing, during the barring process.

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<sup>5</sup> “Keepers of registers” are professional bodies with a statutory function to hold a register of individuals who are registered or licensed to practise, e.g. the General Medical Council, and the Teaching Regulation Agency. They maintain standards of behaviour in their professions and can remove individuals from the register if they are considered not to be fit to practise.

<sup>6</sup> Relevant offences are set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009.

61. In rejecting the recommendations of the Inquiry, however, **the Home Office will 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.**

**Recommendation 16: Ensuring that complaints about the way the police have handled child sexual abuse cases are considered regardless of when the abuse took place**

*The Chair and Panel recommend that the National Police Chiefs' Council ensures that complaints relating to child sexual abuse are no longer 'disapplied' by police forces on the grounds that the incident involved took place more than 12 months before the complaint was submitted.*

62. This recommendation is directed at the National Police Chiefs' Council which has responded separately to the Inquiry.

## 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.*

63. The Government agrees that more clarity is needed on the effectiveness of public expenditure on services for victims of child sexual abuse. **The recently published Victims Strategy includes commitments to undertake deep dives into key areas of support, including support for victims of child sexual abuse, and to review the provision of victim support services across Government to improve coordination and targeting of funding.** In part, this will involve collating information from across departments on the methodologies they use to measure the effectiveness of spend on services for victims of child sexual abuse. **The Government will present these findings to the Inquiry within one year.**
64. 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 implementation of this recommendation.**

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