



Equality Impact Assessment (EIA)

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

Title:

Mandatory reporting of child sexual abuse

Outline:

The Independent Inquiry into Child Sexual Abuse recommended in its final report to government that a mandatory reporting regime should be established in respect of child sexual abuse cases. The duty proposed by the Inquiry would apply where a victim or an abuser discloses that a child is being or has been sexually abused, as well as in cases where child sexual abuse is witnessed, or signs are observed that indicate that a child has been sexually abused. It would be a criminal offence to fail to report a disclosure or witnessed incident of child sexual abuse. The duty recommended by the Inquiry would apply to anyone undertaking regulated activity with children, persons in positions of trust and police officers.

The Government accepted the Inquiry's recommendation in April 2023, subject to further consultation. This exercise, which took place in two stages between May-August and November 2023, resulted in a number of amendments to the reporting model. This included a narrower targeting of the duty on disclosures and witnessed incidents of abuse; removal of a criminal offence for failures to report and the introduction of a criminal offence for obstructing a report being made; and a reframing of the list of people the duty should apply to.

In January 2024, the Government announced its intention to deliver the mandatory reporting duty via the Criminal Justice Bill.

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

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

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

- [engagement with young people](#);
- [engagement with support services for ethnic minority communities](#); and
- [engagement with lesbian, gay, bisexual transgender and queer/questioning victims and survivors of child sexual abuse](#).

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

This evidence has been carefully considered in the context of the Public Sector Equality Duty.

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

We do not consider that the implementation of a mandatory reporting duty for child sexual abuse constitutes unlawful discrimination, harassment, victimisation or any other conduct prohibited by the Equality Act.

Age

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

The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual abuse is made by a child or young person under 18 years of age. Therefore, we expect there to be some impact on those with this protected characteristic. However, in our view, the mandatory reporting duty will benefit these individuals and advance their equality of opportunity.

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

Indirect Discrimination – One of the conditions for a report being required under the duty is the direct disclosure by a child that abuse has occurred. We recognise that children at a pre-verbal stage of development (such as babies and toddlers) are unable to make such a disclosure. Concerns raised by third parties (such as a parent or carer) on their behalf will not trigger the duty; however, guidance will make clear that appropriate action should be taken in such cases under existing statutory safeguarding responsibilities. We will continue to deliver the work outlined in the Government's Tackling Child Sexual Abuse Strategy; ensuring that professionals working with children have the skills and information they need to recognise and respond appropriately to all

forms of child sexual abuse. More widely, we acknowledge that not all persons with this protected characteristic will require assistance under the mandatory reporting duty. However, Government guidance will assist in ensuring that all young people will have access to information about the duty and how it affects their engagement with statutory services when necessary.

Disability

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

Indirect Discrimination – The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual abuse is made by a child or young person under 18 years of age. Therefore, we consider that there to be some impact on those with this protected characteristic in situations where a disability inhibits or complicates the disclosure of information (where, for example, a person is non-verbal as a result of their disability). We recognise that some children with special educational needs and/or disabilities will be unable to make a direct disclosure in any form.

Reasonable Adjustments – We have drafted the definition of a ‘disclosure’ in respect of the mandatory reporting duty to ensure that all forms of communication will engage the reporting process (for example, pictorial representations as well as verbal and written disclosures). We will ensure that Government guidance relating to the mandatory reporting duty will be made available in accessible formats. As above (see ‘Age’) we will continue to deliver the work outlined in the Government’s Tackling Child Sexual Abuse Strategy; ensuring that professionals working with children have the skills and information they need to recognise and respond appropriately to all forms of child sexual abuse.

Gender Reassignment

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

We do not consider that implementing the mandatory reporting duty presents specific concerns with respect to adverse impacts on people sharing this protected characteristic.

Marriage and Civil Partnership

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

We do not consider that implementing the mandatory reporting duty presents specific concerns with respect to adverse impacts on people sharing this protected characteristic.

Pregnancy and Maternity

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

We do not consider that implementing the mandatory reporting duty presents specific concerns with respect to adverse impacts on people sharing this protected characteristic.

Race

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

We do not consider that implementing the mandatory reporting duty presents specific concerns with respect to adverse impacts on people sharing this protected characteristic. The report '[Engagement with support services for ethnic minority communities](#)' set out the Independent Inquiry's finding that: "(...) *victims and survivors in ethnic minority communities do not trust that police or social workers will treat them fairly, and that their disclosure will not be handled appropriately. Many fear they will be judged and their race or religion will determine the response*". Our proposals will establish a clear and consistent approach to how common statutory services handle disclosures of child sexual abuse, irrespective of the disclosing child's protected characteristic of race.

Religion or Belief

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

As noted above (in our considerations of 'Race') the Inquiry found that some victims and survivors felt that their disclosures of abuse would be judged or mishandled on the basis of their religion. Our proposals will establish a clear and consistent approach to how common statutory services handle disclosures of child sexual abuse, irrespective of the disclosing child's protected characteristic of religion.

We have considered whether implementing the mandatory reporting duty presents specific concerns with respect to adverse impacts on people sharing the protected characteristic of religion; specifically the implications of the duty on Article 9 of the European Convention on Human Rights (the right to freedom of thought, conscience and religion). Our assessment is that while there may

be circumstances in which application of the duty gives rise to some interference in this space (specifically in relation to the practice of sacramental confession), it would be justified, proportionate and within the law.

Sex

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

We do not consider that implementing the mandatory reporting duty presents specific concerns with respect to adverse impacts on people sharing this protected characteristic. Child sexual abuse, while statistically more prevalent in respect of female victims, is under-reported and under-identified across both sexes. The impacts of the duty on improving the reporting and identification of child sexual abuse will therefore be of benefit to those sharing this protected characteristic.

Sexual Orientation

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

We do not consider that implementing the mandatory reporting duty presents specific concerns with respect to adverse impacts on people sharing this protected characteristic.

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

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

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

Disability – The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual abuse is made by a

child or young person under 18 years of age. We therefore do not expect this policy to impact on those in this protected characteristic group. Children with disabilities are up to three times more likely to experience abuse. We have specified that the mandatory duty to report will apply to all forms of disclosure, including non-verbal forms of communication. We consider that this will enhance opportunities for disclosure in situations which may not have been considered before, potentially advancing equality of opportunity for those sharing this protected characteristic.

Gender Reassignment – The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual abuse is made by a child or young person under 18 years of age. We therefore do not expect this policy to impact on those in this protected characteristic group.

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

Through our public consultation, we have heard concerns that the implementation of a mandatory reporting duty for child sexual abuse could lead to greater inhibition from victims and survivors in engaging with sexual and reproductive health services. Should such concerns be borne out in practice, this has the potential to impact those sharing the protected characteristic of maternity and pregnancy. We have provided that a report under the duty may be delayed where a relevant individual considers that doing so is in the best interests of the victim; which will include access to necessary health services. The Government will evaluate the impact of the new duty on outcomes for children and young people in due course, including on access to healthcare services.

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

Religion or Belief – The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual abuse is made by a child or young person under 18 years of age. We therefore do not expect this policy to impact on those in this protected characteristic group.

Sex – The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual abuse is made by a child or young person under 18 years of age. We therefore do not expect this policy to impact on those in this protected characteristic group.

Sexual Orientation – The mandatory reporting duty reinforces clear expectations on the actions which should be taken when a disclosure of sexual

abuse is made by a child or young person under 18 years of age. We therefore do not expect this policy to impact on those in this protected characteristic group.

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

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

Age – We do not believe a mandatory reporting duty will impact on the relations between people who share this protected characteristic, and those who do not share it.

Disability – We do not believe a mandatory reporting duty will impact on the relations between people who share this protected characteristic, and those who do not share it.

Gender Reassignment – We do not believe a mandatory reporting duty will impact on the relations between people who share this protected characteristic, and those who do not share it.

Maternity and Pregnancy – We do not believe a mandatory reporting duty will impact on the relations between people who share this protected characteristic, and those who do not share it.

Race – We have considered the concept of 'adultification' bias¹ and its potential interaction with the reporting exemption which has been provided to avoid interfering with consensual relationships between teenagers. Reporters will consider the ages of the parties involved in deciding whether a report needs to be made; and in this context we are mindful of the potential for incorrect assumptions about age and vulnerability to disproportionately impact black children. If borne out this could lead to a loss of trust between children and a range of statutory services responsible for their protection. To mitigate against this risk the duty will be accompanied by Government guidance for reporters; which will set out clear expectations in relation to the reporting exemption.

Religion or Belief – We do not believe a mandatory reporting duty will impact on the relations between people who share this protected characteristic, and those who do not share it.

Sex – We do not believe a mandatory reporting duty will impact on the relations between people who share this protected characteristic, and those who do not share it.

Sexual Orientation – We do not believe a mandatory reporting duty will impact on the relations between people who share this protected characteristic, and those who do not share it.

¹ [Adultification bias within child protection and safeguarding \(justiceinspectors.gov.uk\)](https://www.justiceinspectors.gov.uk/adultification-bias-within-child-protection-and-safeguarding)

4. Summary of foreseeable impacts of policy proposal, guidance or operational activity on people who share protected characteristics

Protected Characteristic Group	Potential for Positive or Negative Impact?	Explanation	Action to address negative impact
Age	Likely slight positive impact.	Increased confidence that disclosures of sexual abuse will be believed and actioned appropriately could improve the willingness of children and young people to disclose harms they have experienced and seek necessary support. While the duty will impact this group more, we expect it to be a positive impact.	Pre-verbal children who are unable to disclose abuse: Government's ongoing work to ensure that professionals working with children have the skills and information they need to recognise and respond appropriately to all forms of child sexual abuse.
Disability	Potential slight negative impact.	A mandatory duty to report disclosures of child sexual abuse could indirectly disadvantage children who cannot speak with relevant adults by reason of a disability.	We will ensure the definition of 'disclosure' does not exclude non-verbal children, those with special educational needs or those experiencing language barriers from the duty.
Gender Reassignment	No foreseeable impact.	We do not consider that the duty will have an impact on this protected characteristic.	None required.
Marriage and Civil Partnership	No foreseeable impact.	We do not consider that the duty will have an impact on this protected characteristic.	None required.
Pregnancy and Maternity	Potential slight negative impact.	Concerns over the loss of confidentiality could lead to a lower take-up of sexual and reproductive health services for victims and survivors of child sexual abuse.	We have included a provision that a reporter does not breach the duty if they delay reporting because they consider that doing so is in the best interests of the victim; which will include access to necessary health services.
Race	Potential slight negative impact.	Incorrect assumptions about the age of young people based on the 'adultification' of ethnic minority individuals could lead to inconsistent application of the reporting exemption for consensual peer relationships over the age of 13.	Commencement of the duty will be accompanied by Government guidance for reporters; which will set out clear expectations for those subject to the duty and specifically consider the reporting exemption.

Religion or Belief	Potential slight negative impact.	There may be circumstances in which application of the duty gives rise to some interference in this space (specifically in relation to the practice of sacramental confession). However, we consider that this impact would be justified, proportionate and within the law.	We will engage with religious groups that may be impacted to help manage the implementation of new responsibilities under the duty.
Sex	No foreseeable impact.	We do not consider that the duty will have a negative impact on this protected characteristic. It is possible that reporting rates will continue to be different between girls and boys, but we expect both to increase relative to the current position.	None required.
Sexual Orientation	No foreseeable impact.	We do not consider that the duty will have an impact on this protected characteristic.	None required.

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

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

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

6. Review date:

01 August 2025

7. Declaration

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

SCS sign off:

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