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Y Gweinidog Plant a Gofal Cymdeithasol
Minister for Children and Social Care



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-PO-0309-24

Russell George MS
Chair
Health and Social Care Committee
Welsh Parliament
SeneddHealth@senedd.wales

04 November 2024

Dear Russell,

Thank you for this opportunity to provide an overview to the Health and Social Care Committee of the activities the Welsh Government has undertaken, and continues to undertake, to raise awareness of mandated organisational duties to report, along with an overview of the context for this work.

Welsh Government response to IICSA Recommendation 13

Welsh Government accepted in principle Recommendation 13 (the introduction of mandated individual duties to report) of the final report from the Independent Inquiry into Child Sexual Abuse (IICSA).

We wholly agree with the principle that where there has been disclosure (from a child or perpetrator); witnessing; or observation of behaviours or other evidence that a child is experiencing or is at risk of sexual abuse, these must be reported without delay, either to the relevant local authority or to the Police, as appropriate.

We recognised there are key differences in the approach taken to reporting in Wales compared to that proposed by the Inquiry. Our practice and legislation relate to both children and adults who may be experiencing or at risk of abuse, neglect or, in the case of children, harm; whilst the Inquiry's recommendation (given its statutory remit) is made in respect of child sexual abuse. Our reporting requirements are organisation-based, whilst the Inquiry proposes a statutory duty on 'mandated reporters', certain individuals, as defined within the recommendation.

We also recognise that the Inquiry recommends a criminal sanction for failing to report where an individual receives a disclosure (from a child or perpetrator) or witnesses child sexual abuse. The Welsh duties do not have criminal sanctions attached but to be able to comply with them, 'relevant partners' will need to have effective corporate policies, procedures and support in place to ensure that those exercising functions on their behalf (i.e. their staff, contractors, volunteers) know their responsibilities, sufficiently understand and are enabled to act in accordance with those duties.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Many of those working for or on behalf of 'relevant partners' will be registered with professional bodies, and subject to their respective codes of conduct and fitness to practice reviews. Therefore, many individuals including teachers, health professionals, social care workers, police and probation officers will have both contractual and professional obligations to report concerns, with disciplinary and regulatory consequences available.

We committed to:

- strengthen and improve compliance with our regulatory frameworks across childcare, education, health and social care
- build on the publication of our Code of Safeguarding Practice
- engage widely and explore views on ensuring that others who provide services or offer activities for children and for adults who may be at risk, have proportionate and effective safeguarding arrangements in place
- seek further views about and explore the implications of placing duties to report children and adults at risk, on individuals, as part of the conversation on next steps.

We said we would combine this with further measures to promote access to effective training and tools for practitioners; and to raise and sustain public awareness of abuse, neglect and harm, and the vital steps to take where this is happening or suspected. This will be informed by a better understanding of what prevents people from raising and reporting concerns and will aim to empower individuals with the confidence to seek the support that they need or know how they can respond to others, to help lessen dangers and secure support for children and adults at risk.

Mandatory duty to report on organisations in Wales

The Social Services and Well-being (Wales) Act 2014 came into effect in April 2016. It sets out what must and should be done to safeguard children and adults in Wales.

[Section 128 of this Act](#), specifies the duty placed on 'relevant partners' under section 162 of the Act to report both adults and children, including unborn children, they have reasonable cause to suspect are at risk of abuse or experiencing abuse, neglect and in the case of children, harm.

Relevant partners are:

- a)** The local policing body and the chief officer of police for a police area any part of which falls within the area of the local authority;
- b)** Any other local authority with which the authority agrees that it would be appropriate to co-operate under this section;
- c)** The Secretary of State to the extent that the Secretary of State is discharging functions under sections 2 and 3 of the [Offender Management Act 2007](#) in relation to Wales;
- d)** Any provider of probation services that is required by arrangements under section 3(2) of the [Offender Management Act 2007](#) to act as a relevant partner of the authority;
- e)** A local health board for an area any part of which falls within the area of the authority;
- f)** An NHS Trust providing services in the area of the authority;
- g)** The Welsh Ministers to the extent that they are discharging functions under Part 2 of the [Learning and Skills Act 2000](#);
- h)** Such a person, or a person of such description, as regulations may specify.

Agencies not included as 'relevant partners' above are still expected (set out in Working Together to Safeguard People: Code of Safeguarding Practice) to report any safeguarding concerns in the same way as those with a mandated duty to report. This includes both paid and non-paid staff in third sector organisations (this includes: independent contractors and sub-contractors, independent professionals and private organisations). Volunteers should agree to adhere to a code of conduct with the organisation in which they volunteer.

Welsh Government non-statutory guidance Working Together to Safeguard People: Code of Safeguarding Practice was issued in 2016 (currently being reviewed and revised) to encourage and set out expectations for organisations that do not have a mandatory organisational duty, for example, voluntary and private providers. The guidance sets out how to establish robust safeguarding systems including, provision of safeguarding training, having a safeguarding policy and procedure in place, having a designated safeguarding lead and completing DBS checks for staff. The Code also includes advice about information sharing and the legislation surrounding this.

Whilst there is no mandatory organisational duty to report placed on these voluntary and private providers, there is an expectation that they will act in the same way as local authorities and key partners to protect and safeguard children and adults who are or may be at risk. Local authorities and their key partners build these safeguarding system requirements, alongside the expectation to follow the Wales Safeguarding Procedures, into their commissioning processes, and this encourages good practice in the voluntary and private sector as they are largely dependent on the funding they receive from local authorities and key partners.

I echo the responses to the Committee from both the NSPCC and the Children's Commissioner in that, mandatory reporting duties, whether organisational or individual, are only one part of a robust safeguarding system. Inspection and regulation, safeguarding training that is refreshed regularly, recruitment checks and balances, sound understanding of information sharing, and robust safeguarding policies and procedures are all elements that when combined, form an effective safeguarding system.

Our objective is to improve the identification of and response to all forms of abuse, neglect or harm that children or adults (at risk) may face. Recognising these must align with measures designed to inform; prevent; protect and holistically support those affected.

We will roundly consider strengthening or placing legal requirements on organisations (not currently subject to mandatory organisational duties to report) to safeguard and protect children and adults at risk; including notifying local authorities or the Police where individuals may be experiencing or at risk of abuse, neglect or harm.

We will invite further views and explore the implications of placing duties to report on individuals, in light of IICSA's Recommendation 13: Mandatory reporting.

We want to ensure that whether in the statutory, independent or voluntary sectors, those who provide services or offer activities for children or adults who may be at risk, and could be in a position to receive disclosures, potentially witness or recognise signs of harm, have proportionate and effective arrangements in place, which reflect the Wales Safeguarding Procedures. That they know how to respond to individuals and report concerns.

We want to know that these arrangements are properly implemented, supported, and monitored, with regular review and evaluation of practice; and with any appropriate external oversight/inspection and proportionate consequences for failures.

We recognise the need to gather and analyse further evidence; to engage and consult as appropriate; and to explore and assess the implications of identified policy options.

Information sharing: guidance

Lack of information sharing, for a range of reasons, arises as an issue in Practice Reviews and other national reports e.g. from the Independent Inquiry into Child Sexual Abuse. A sound understanding of what can be shared, with whom and when this should be done is as important as mandating a duty to report on organisations. Mandatory organisational duties to report would not meet its intended objective if staff do not understand their roles and responsibilities in relation to information sharing and therefore do not report concerns when they should.

Welsh Government has developed and published guidance called Working Together to Safeguard People: Information sharing to safeguard children which is non-statutory guidance for practitioners.

This document sets out Seven Golden Rules for information sharing. These include the laws around data protection and how they relate in a safeguarding situation and explains that the legislation and regulations in place do not stop people reporting concerns about risk of harm to a child or adult. A leaflet was developed to accompany this guidance. The guidance document also explains the organisational duties to report with a link to further information.

Since the publication of the Seven Golden Rules, the Information Commissioner's Office (ICO) has developed its own guidance about information sharing when there are concerns about a child. This is a ten-step guide for practitioners and is accompanied by posters, leaflets and other materials. This information is available from the ICO website and Wales Safeguarding Procedures website in the resources section.

In this guidance, the ICO clearly states that the law does not prevent the sharing of information when there are concerns about a child. In addition, Wales Safeguarding Procedures includes an information sharing guide and explanation of duties to report.

Wales Safeguarding Procedures: duties to report

Wales Safeguarding Procedures were developed and are maintained by a Project Board comprising representation from the local authorities and their key partners and the Regional Safeguarding Boards (RSBs).

The procedures translate the Social Services and Wellbeing (Wales) Act 2014 and the Codes of Practice that sit beneath them relating to safeguarding into procedures for staff from all sectors and all organisations. They are written in an accessible way to ensure that everyone can understand what their duties and responsibilities are, regardless of their role.

The Procedures include a range of 'Top Tips' documents that concentrate on specific areas such as duties to report and information sharing. The Procedures are stored on a website and an app can be downloaded to phones and other devices. There is also a section for All Wales Practice Guides on specific safeguarding topics like child trafficking.

Welsh Government provides funding annually to support the Project Board to maintain the website, maintain/update the Procedures and to develop All Wales Practice Guides for children and adults at risk. The Practice Guides re-state and link to the information that is in the main procedures regarding duties to report concerns.

This is a key resource for practitioners that is referenced in relevant Welsh Government guidance and in organisations' safeguarding policies; organisations' websites also provide the link, and they are signposted and explained in multi-agency training delivered by RSBs and single agency safeguarding training delivered within organisations.

Multi-agency training on mandatory organisational duties to report

Following Social Care Wales running a series of workshops to explain duties to report to local authorities and their relevant partners, supported by Welsh Government funding, Social Care Wales also developed a raft of resources including digital and written resources that can be accessed via their website.

Funding from Welsh Government has enabled Social Care Wales to continue to develop resources since this time for social care and early years staff. This includes guidance and training about duties to report.

They have also developed and are now implementing the National Standards for Safeguarding Training which sets out the groups that will require safeguarding training and what training they require, dependent on their role.

For example, Group A, is everyone who could come into contact with children and adults who may be experiencing significant harm or at risk of experiencing harm from abuse and/or neglect, during the course of their work. This includes volunteers and paid staff.

Their roles range from a hospital porter to a social care worker, and includes teaching assistants, childcare and early years staff, receptionists in surgeries and schools: those whose role is not a designated safeguarding one but who need to know how to identify the signs and indicators of abuse, neglect and other forms of harm, and know who to alert to the concerns they have (duty to report).

An online training module is now available for this group on the Social Care Wales website and includes scenarios for them to test out their knowledge as they work through the package.

The full list of training groups identified is:

1. [Group A](#) (basic awareness)
2. [Group B](#) (intermediary)
3. [Group C](#) (advanced)
4. [Group D](#) (specialist)
5. [Group E](#) (consultancy or sector leader)
6. [Group F](#) (public service leaders)

Training modules for each group are currently being developed in conjunction with Regional Safeguarding Boards.

The local authority and key partners that have mandated organisational duties to report also have safeguarding training specific to their sector that is delivered in-house or commissioned. Additionally, as a safeguarding partnership of the local authority and key partners, Regional Safeguarding Boards (RSBs) deliver a programme of multi-agency training which mirrors the above groups contained within the Standards. In these organisations safeguarding training is mandatory.

Welsh Government funds each of the RSBs £12K each year to subsidise their training programme and in addition fund each RSB £2K each year to develop and deliver activities during Safeguarding Week which takes place in November of each year.

Social Care Wales, using funding provided by Welsh Government, also develop and deliver training on mandatory organisational duties to report including developing bespoke resources for different sectors, for example, social care and childcare.

Regional Safeguarding Boards (RSBs): training and information sharing

The 2014 Act provides the statutory objectives of the Safeguarding Boards, that is, in relation to children:

1. "To protect children within its area who are experiencing, or are at risk of, abuse, neglect or other kinds of harm, and
 2. To prevent children from within its area becoming at risk of abuse, neglect or other kinds of harm" (S.135 (1))
- and in relation to adults:
- a. "To protect adults within its area who –
 - (i). Have needs for care and support (whether or not a local authority is meeting any of those needs), and
 - (ii). Are experiencing, or are at risk of, abuse or neglect, and
 - b. To prevent those adults within its area ... from becoming at risk of abuse or neglect" (S.135 (2)).

The 2014 Act also states that a Safeguarding Board, *"must seek to achieve its objectives by coordinating and ensuring the effectiveness of what is done by each person or body represented on the Board"* (S.135 (3)); to set out its proposals for achieving its objectives at the beginning of each financial year (S.136 (1)); and *"co-operate with the National Board and...supply the National Board with any information it requests"* (S.139 (1)).

Working Together to Safeguard People Volume I – Introduction and Overview states that one of the functions of the Safeguarding Boards is "to review the training needs of those practitioners working in the area of the Board in order to identify training activities and to provide and to ensure training is provided on an interagency and individual organisational basis to assist in the protection and prevention of abuse and neglect of children and adults at risk of harm in the area of the Board" (para.113 (j)).

Additionally, each of the Regional Safeguarding Boards has a website that includes information about Practice Reviews (now transitioning to Single Unified Safeguarding Review), the Board's work, its annual reviews and work plans, and the main pages have information about safeguarding including advice on what to do if you have concerns about children or adults.

National Independent Safeguarding Board (NISB): information sharing and improvement

The Social Services and Wellbeing (Wales) Act 2014 established the National Independent Safeguarding Board with the following functions:

1. To provide support and advice to Safeguarding Boards with a view to ensuring that they are effective

2. To report on the adequacy and effectiveness of arrangements to safeguard children and adults in Wales
3. To make recommendations to the Welsh Ministers as to how those arrangements could be improved (S.132 (2)).

The regulations made under the 2014 Act set out the way in which the National Board must exercise its functions. An important function is the requirement to consult with those who may be affected by arrangements to safeguard children and adults in Wales.

The National Board works on a part-time basis. Its six members are expected to work at least a day a month on National Board matters.

Welsh Government provides annual funding to the Board to deliver on their functions. The Board has a website on which they publish their annual reviews and workplans and research/reviews they have commissioned to inform their work and the work of the wider safeguarding community.

Annually, the Board delivers a conference on a specific area of safeguarding. This year this will take place on 21 November and will focus on learning from Adult Practice Reviews undertaken in Wales and England. Some of this learning will inform any changes we propose to make around mandatory duties to report.

Last year the Board published a Thematic review of Child Practice Reviews undertaken in Wales and this year the Board has focused on adults: Manchester Metropolitan University was commissioned by the Board to complete a rapid review of Adult Practice Reviews completed in Wales. These products are shared with Regional Safeguarding Boards and used to inform their annual workplans. Progress is reported in their annual reviews which are shared with NISB.

National Campaigns to raise awareness of safeguarding responsibilities

In 2023 the Welsh Government launched a national awareness campaign called 'Make the Call'. This was delivered in the months of November and December 2023. The Make the Call campaign objectives were:

- To raise and sustain public awareness of abuse, neglect and harm, and the vital steps to take where this is happening or suspected.
- To encourage people to report concerns of abuse to Social Services
- To alleviate the concerns about reporting abuse and highlighting the benefits of doing so.

It included adverts on radio, Facebook, Twitter and other social media channels and reached over 200,000 parents via Netmums and exceeded reach predicted for the campaign. A follow up survey with 400 people identified high prompted recall rates for the campaign, with 17% of respondents saying they remembered seeing the campaign adverts. Parents were the most engaged demographic, being more likely to see information on child safeguarding generally as well as the campaign, and also, more likely to act on abusive scenarios.

A review of the campaign 'Make the Call' highlighted that the most likely reasons for the public not reporting concerns to relevant agencies are fear of recriminations and fear of getting it wrong. The outcomes of this review are being used to shape further campaigns. In response to a recommendation in the Child Practice Review of Child T the NSPCC have co-produced an awareness raising campaign with Cwm Taf Morgannwg Regional

Safeguarding Board. Welsh Government provided further funding to ensure the resources can be utilised across Wales.

Welsh Government are currently working with the NSPCC to consider the next national phase of this campaign.

Plans to develop campaigns on specific safeguarding topics that relate to children and relate to adults at risk are being progressed.

Sector specific safeguarding legislation, regulation and guidance relevant to education and children and young people

Welsh Government has strengthened safeguarding requirements for Independent Schools through the [Independent School Standards \(Wales\) Regulations 2024](#) which came into force on 14 February 2024 and have legislated to [regulate special school residential services](#) in a similar manner to care homes for children; this came into effect fully on 31 March 2024.

We have also published a [revised National Minimum Standards for regulated childcare](#) which strengthens the standard in relation to safeguarding; and published [a quality framework for Early Childhood Play, Learning and Care](#) which includes a quality standard around safeguarding babies and young children from harm, abuse and neglect.

We have recently worked with colleagues to strengthen the safeguarding information contained within the Childcare Booklet for parents.

‘Keeping Learners Safe’: The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002 (2022), is Welsh Government issued guidance. This guidance is intended for all those working with children and young people in an education setting or related agency who would benefit from understanding the process and expectations for safeguarding in schools, and the wider system.

The guidance also sets out effective practice for wider education settings and related agencies, particularly those inspected by Estyn. It is recommended as relevant for youth services, work-based learning providers, proprietors of EOTAS provision, initial teacher education (ITE) partnership leads, safeguarding children boards, higher education institutions, Careers Wales and funded non-maintained early years settings.

The purpose of this guidance is to help all education settings ensure they have effective safeguarding systems in place. It sets out the responsibilities of local authorities, governing bodies of all maintained schools (references to schools throughout the document also apply to pupil referral units), further education institutions and proprietors of independent schools, to have arrangements for exercising their functions to safeguard and promote the well-being of children in Wales.

The guidance is also relevant for agencies that supply staff to the education sector, contractors who work in education establishments responsible for under-18s, as well as other providers of education and training for those under 18. In addition, the guidance is also relevant for ITE Partnerships who are required to ensure that all student teachers are provided with specified periods of school experience for school-led training.

The document signposts readers to the Codes of Practice (statutory guidance) sitting beneath the Social Services and Wellbeing (Wales) Act 2014 and the Wales Safeguarding Procedures.

The document is due to be reviewed, and my officials are working with officials in the Equity in Education branch of Welsh Government to ensure that the safeguarding guidance given to schools and others is as robust as possible in communicating the roles and responsibilities of professionals and volunteers.

Online safety resources that support parents/carers and children and young people to identify and report safeguarding concerns are available on HWB. The Welsh Government [Keeping safe online](#) area has been designed and developed to support online safety in education across Wales. It provides an extensive suite of up-to-date bilingual resources, Welsh Government guidance and links to further sources of support on a range of online safety issues.

In addition, it also hosts bilingual resources created by or developed in collaboration with key partners, such as SWGfL, NSPCC, Common Sense Media and the National Crime Agency.

Planned work

October to March 2025

We will continue to engage with stakeholders in the childcare and play sectors who provide services and are registered with Care Inspectorate Wales (CIW) and contribute to shape and strengthen safeguarding advice they have in place. My officials are currently working with childcare and play colleagues on their review of the Exceptions Order and their review of the National Minimum Standards for Childcare.

We will also be engaging with stakeholders in the childcare and play sectors who provide services that do not require them to be registered with CIW currently, to identify how we can support them further to create safe environments for children.

We will be engaging with the National Independent Safeguarding Board (NISB), Regional Safeguarding Boards (RSBs), constituent partners of RSBs i.e. Police, Local Authorities, Health, Probation, Youth Justice, the third sector and private providers of services to people, to consider their views on how well mandatory organisational duties to report have worked in Wales and what we could do better or differently, including consideration of the potential for mandating individual duties to report on specific professionals.

We will be engaging with children, young people and adults who receive care and support services to gather their views on placing mandatory duties to report on individuals.

We will also complete the review of the non-statutory guidance, Working Together to Safeguard People: Code of Safeguarding Practice.

April and May 2025

Findings from the consultation and the review of regulations and relevant documents will be analysed and I will be advised on the policy/legislative options for how we move forward which I will consider at that stage.

I remain of the view that in Wales we must:

- Maintain our people approach so that duties to report whether organisational or individual, (or both) cover children **and** adults at risk.
- Maintain our approach that mandatory duties whether organisational or individual (or both) cover **all** types of abuse, neglect and harm not only sexual abuse.

Engagement with stakeholders needs to be central in considering any changes to duties to report abuse, harm and neglect. Sufficient time will be needed to do this properly. For this reason, I do not consider that the Health and Social Care (Wales) Bill currently before the Senedd is the right vehicle for any such changes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dawn Bowden', with a stylized flourish at the end.

Dawn Bowden AS/MS

Y Gweinidog Gofal Cymdeithasol
Minister for Children and Social Care