

Mandatory Reporting of Child Abuse

Social Work Scotland Position Paper

August 2025

Introduction

Social Work Scotland (SWS) is the professional body for social work leaders, working closely with our partners to shape policy and practice, and improve the quality and experience of social services.

As an organisation and membership, we are committed to strengthening and evolving our approaches to how we protect and support people, utilising research, the learning from reviews and inquiries, and most importantly, the experiences of survivors and victims of trauma, abuse and harm. Any development must give effect to human rights, reflecting the value of all individuals.

Purpose

This document is a position paper, developed on behalf of our membership, to inform national discussions about the introduction of a mandatory reporting scheme (of abuse and neglect) in Scotland. It is not a response to a specific consultation or review, but instead the consolidation of reflection and discussion, among social work leaders, about the opportunities and challenges inherent to the introduction of such an approach. We are aware of the salience of these ideas at present, and the momentum building for the introduction of some version of mandatory reporting in the Scottish context.

The reflections and areas for consideration in this paper are drawn from engagement with our members across children and families, adults and justice social work, including Scotland's thirty-two Chief Social Work Officers (CSWO). This included a bespoke event for members in May 2025. In facilitating this pan-professional discussion, we have attempted to fully consider the implications of mandatory reporting on all aspects of our services and responsibilities.

In developing our thinking on this subject, we would like to acknowledge the work of the Scottish Parliament's Cross-Party Group on Adult Survivors of Childhood Sexual Abuse, who held an informative session at the Scottish Parliament in November 2024. We are also grateful to colleagues at the Centre for Excellence for Children's Care and Protection (CELCIS) at the University of Strathclyde for their work in

relation to the international evidence around mandatory reporting, which has informed SWS' discussion.

Background

England and Wales: The discussion about mandatory reporting in England and Wales is rooted primarily in the outcome of the Independent Inquiry into Child Sexual Abuse (IICSA)¹, led by Professor Alexis Jay. The inquiry highlighted both the obligations of, and need for, professionals to report suspected abuse. The report made several recommendations, including the introduction of mandatory reporting laws in England and Wales, in relation to child sexual abuse. These recommendations are supported by victims who indicated strongly that it would improve their experience and prevent further abuse. The report states that:

*'The sexual abuse and exploitation of children is criminal and morally wrong. There is no excuse for those who perpetrate this crime. It has never been right or excusable whenever it occurred. To a significant extent, this also applies to those who knew about the abuse but did nothing, as well as to those who actively covered it up or contrived to assist a perpetrator in escaping justice or avoiding the scrutiny of the statutory authorities.'*²

The IICSA report notes, amongst other issues, that perpetrators often targeted multiple victims, abused their position of power, exploited groups of victims and targeted vulnerable children. Abuse took place in the context of organisational failure and poor leadership, which prioritised reputation of institutions over transparency and action to hold staff to account. The report finds that abuse occurred within a societal context that did not believe children, was unwilling to speak about abuse and did not have the language to communicate these issues.

The report's specific recommendation in relation to mandatory reporting called for:

*'a new law of mandatory reporting making it a legal requirement for those who work in regulated activity or work in a position of trust to report child sexual abuse.'*³

This recommendation does not stand alone but sits within a context of and 'complements' other recommendations, such as a public awareness campaign to inform the public about 'the action they should take if they know or suspect a child is being sexually abused.'⁴

¹ The Report of the Independent Inquiry into Child Sexual Abuse | IICSA Independent Inquiry into Child Sexual Abuse, October 2022, p2

² IICSA report p2

³ IICSA report p2

⁴ IICSA report p2

In January 2025, the UK Government announced measures for mandatory reporting⁵, emphasising the duty to report and the consequences for failing to do so. The provisions are set out in the Crime and Policing Bill, which states that failure to report child sexual abuse would be an ‘offence, with professional and criminal sanctions.’ The proposals include:

- A statutory duty for those undertaking key roles with responsibility for children and young people in England to report child sexual abuse, which applies when disclosures are made by children and perpetrators of child sexual abuse, as well as incidents which are personally witnessed by a reporter.
- Those who are aware or made aware of child sexual abuse and fail to report may be referred to the Disclosure and Barring Service, and face being barred from working with young people in the future. They may also face being reported to their professional regulator to consider their fitness to practice
- Introduction of a criminal offence of interfering with a report being made under the duty, which targets the behaviours underlying the concealment of abuse (particularly by senior or influential figures).
- Introduction of a new statutory aggravating factor for grooming

In developing these legislative proposals, the UK government issued a call for evidence and views on the mandatory reporting of child sexual abuse. Analysis of responses highlighted some concerns about the introduction of a scheme, including that:

- it may prevent some children and young people seeking help and support or speaking about child sexual abuse.
- in the context of harmful sexual behaviours, some perpetrators might not come forward for fear of criminal reprisal.
- infants and younger children may not have the ability to communicate harm to others, and concern about the understanding of the legislation for those with additional support needs.
- young people from minority ethnic might be discriminated against.
- additional responsibilities may dissuade some from entering the workforce

Feedback also raised the need for increased resourcing, and developing adequate training for the workforce who interact with children, as well as awareness raising for multi-agency partners and the public.

⁵ In May 2024 UK Government tabled amendments to the Criminal Justice Bill providing for the introduction of a mandatory reporting duty, the Criminal Justice Bill however the Bill was not debated and the Bill fell at the dissolution of Parliament in July 2024.

Scotland: The current momentum for considering mandatory reporting in Scotland is linked to the IICSA report and UK Government proposals (for England and Wales), and anticipation of the outcomes of the Scottish Child Abuse Inquiry⁶ (SCAI). However, Scotland has considered the policy previously, most notably in 2015, following petition [PE01551](#) lodged with the Scottish Parliament. In considering this petition, Parliament's Public Petitions Committee received evidence from a wide range of stakeholders. At that time, most stakeholder organisations were not supportive of the introduction of mandatory reporting in Scotland, noting that it should not be considered a panacea. Their views, as expressed at that time, are summarised as follows⁷:

- there are already legal duties on relevant bodies in Scotland to report child abuse.
- the Scottish system already has clear guidance, as well as legal provisions, in place which support and emphasise the critical nature of the investigation of concerns.
- the Children's Hearings System provides an important existing referral route in Scotland for anyone who is concerned about a child or young person (including self-referrals from children and young people themselves).
- there is limited evidence of the effectiveness of mandatory reporting in some international jurisdictions.
- there is a clear difference between not immediately reporting suspicions in order to allow a child to retain some control and covering up evidence of abuse.
- applying the Getting it right for every child (GIRFEC) approach of early intervention and support is the best protection for children.
- while there are undoubtedly cases where earlier intervention is required, there is a need for professional judgement in assessing risk and balancing that against the desire that a child retain some control as to the manner and timing of the disclosure of abuse.
- key issues highlighted through reviews of cases where children have not received protection related to information sharing, professional practice and decision making – concluding that the failures were not attributable to reporting but instead to the response; and
- it is the response of public bodies rather than an insufficiency in the law that is likely to be at the heart of any issues around abuse allegations being appropriately dealt with.
- there is some international evidence that mandatory reporting can lead to over-reporting of concerns, which makes the identification of children at risk harder and action to protect them less swift.

⁶ [Scottish Child Abuse Inquiry | Investigating the abuse of children in care in Scotland](#)

⁷ Sourced from Scottish Government discussion paper on Mandatory Reporting, May 2023

- children and families may be less likely to disclose abuse or seek support if they are not given the opportunity to do so at their own pace.
- an over focus on investigation can divert attention from preventative work; and
- mandatory reporting has the potential to shift the focus away from the ongoing work to embed the GIRFEC approach in Scotland, which in and of itself, is central to identifying and reporting child abuse.

Following the conclusion of the IICSA in England and Wales, Professor Alexis Jay presented the main findings to the Scottish Government's Child Protection National Leadership Group (NCPLG) in March 2023.⁸ Later that same year, the Scottish Government (Child Protection Unit) sought stakeholder views on mandatory reporting of child sexual abuse, as part of an 'informal information gathering' process. This resulted in a session with SWS members to seek views on the risks and merits of introducing such a model in Scotland.

At the November 2024 meeting of the Cross-Party Group on Adult Survivors of Childhood Sexual Abuse⁹, survivors and support groups emphasised the value and necessity of mandatory reporting. Following this, Fulton MacGregor MSP submitted a motion to the Scottish Parliament noting the recommendation from IICSA and that many European nations have introduced a form of mandatory reporting.

Scottish Child Abuse Inquiry: This is a statutory inquiry set up by Scottish Ministers to look at the abuse of children in care in Scotland between 1930 and 2014. The inquiry was set up in 2015 and will report the outcome of its investigations to Ministers and make recommendations, including any changes to practice, policies and /or the law that it considers are required for the protection of children in the future.

Chaired by Lady Smith, the Inquiry examines abuse—physical, sexual, emotional, and neglect—that occurred across care settings. This includes institutions and alternative family-based care run and provided by local authorities, religious bodies, and voluntary organisations, as well as boarding schools and young offender institutions.

SCAI has heard from hundreds of survivors and witnesses, and its work to date has revealed systemic abuse and institutional failure. The inquiry is still ongoing and has not made final recommendations. There is therefore no indication at this time on potential recommendations in relation to mandatory reporting.

International Evidence: The CELCIS Mandatory Reporting discussion paper (June 2025) highlights a number of issues with the term 'mandatory reporting', including its

⁸ [National Child Protection Leadership Group minutes: March 2023 - gov.scot](#)

⁹ [Adult Survivors of Childhood Sexual Abuse | Scottish Parliament Website](#)

use to describe a wide variation in arrangements within the countries where it is applied. Some laws require only identified professions to report one or two identified types of maltreatment; other, broader laws might require all adult citizens to report on several types of maltreatment, including children's exposure to intimate partner violence.

The report notes that, while no two countries systems are the same, there are components common to any system:

- Mandated persons
- Type of abuse and neglect to be reported is defined
- Extent of harm, abuse or neglect to be reported is defined
- Whether the duty applies only to past or present abuse/harm or also to future abuse/harm which is thought likely to occur
- Sanctions for not reporting
- Levels of protection or immunities
- When and to whom reports are made
- Content of reports

Additionally, the CELCIS report notes that legislative frameworks are not static, evolving over time in response to new evidence and issues. There is no clear evidence for any one countries approach, and the research on the various approaches raises several important questions, including:

- Whether imposing a duty on whole population results in increased reporting of concerns of abuse or not, and that increased reporting requires significant resources.
- Whether placing sanctions on the 'person-on-the-street' for failure to report a case of child abuse when identification requires judgment and discretion was unduly harsh.
- Balancing a child's rights when they do not wish to disclose in the wider interests of protecting the child and other victims.
- Whether the duty applies to risk of future harm, involving reporters in assessments of the likelihood of something happening and possible impact if it does.
- Whether the identity of a report recipient may impact on the nature of the subsequent approach taken, and on the willingness (or otherwise) of professionals or victims to report.
- Need to mitigate against: 'it's everyone's job, but no one's responsibility' situation.

The current system (for responding to child abuse and neglect) in Scotland

There is no overarching duty to report child abuse in Scotland. However, there is a framework of duties, guidance and professional responsibilities that support and facilitate the safeguarding of children. Among these, of note are:

Getting it right for every child (GIRFEC)¹⁰: The overarching framework for all services to promote the wellbeing of children and is the commitment to provide all children and families with the right support at the right time. GIRFEC provides Scotland with a consistent framework and shared language for promoting, supporting, and safeguarding the wellbeing of children and young people. It additionally incorporates information sharing guidance.

Child protection: The National Guidance for Child Protection in Scotland 2021 (updated 2023)¹¹ describes the responsibilities and expectations for all involved in protecting children and supporting their care and protection.

Children's Hearings: The Children's Hearing (Scotland) Act 2011 imposes duties on local authorities and the police to report to the Principal Reporter in circumstances where they believe that a child is in need of protection, guidance, treatment, or control, and that it might be necessary for a compulsory supervision order to be made in relation to the child. The Children (Care and Justice) Act 2024, once fully implemented, will extend this referral to any child under 18. Most referrals come from police, social work and education. However, anyone can make a referral to the Reporter – parents, family members, carers or any concerned member of the public can contact the Children's Reporter if they have concerns about a child or young person and their circumstances.

Adult Support and Protection: The Adult Support and Protection (Scotland) Act 2007 makes provision for protecting adults (16 years and over) who are unable to safeguard their own interests, and who are at risk of harm. This harm may include physical, psychological, neglect, and/or self-harm. The Act places a duty on local authorities to investigate if it is suspected that an adult is unable to safeguard their own wellbeing, property, rights or other interests; they are at risk of harm; and they are more vulnerable to being harmed because of a disability, mental disorder, illness, or infirmity. Anyone can make a referral to the social work led adult protection team. Within the legislation, there are duties for specific public bodies and office holders to cooperate with local authorities during any investigation, and to share any concerns about an adult at risk who may require protection. The scope of this inclusion is limited, and this has led to ongoing discussions about how best to encourage full engagement with the Act, specifically from GPs and organisations who have concerns about confidentiality and information sharing.

¹⁰ [Getting it right for every child \(GIRFEC\) - gov.scot](#)

¹¹ [National Guidance for Child Protection in Scotland 2021 - updated 2023 - gov.scot](#)

Registration of professionals: Professionals have different registration bodies who provide a safeguard for the public in relation to the conduct of workers. The Scottish Social Services Council (SSSC)¹² are the regulator for the social work, social care and children and young people workforce. The SSSC *'protect the public by registering this workforce, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct, we can investigate and take action.'* This includes dealing with concerns and complaints and taking action if needed: *'Fitness to practise is about protecting and enhancing the safety and welfare of people who use social services. We must be sure that everyone on our Register meet the standards of practice, conduct and behaviour necessary for them to do their job safely and effectively in line with the SSSC Codes of Practice. Workers are expected to behave in a way, in or outside work, which does not call into question their suitability to work in social services.'* The SSSC Codes of Practice¹³ let those using services know what they can expect from workers who support them.

Employer Duties: Where someone fails to report concerns as part of their duties for employment, they will breach their employment contract and will be subject to disciplinary action.

Regulation and Inspection: The Care Inspectorate¹⁴ is the national regulator for care services in Scotland. Its function is to ensure that people of all ages receive safe, high-quality care and support that meets their needs and respects their rights. Its role is to:

- Registers and inspects care services such as nurseries, care homes, childminders, and services for people with disabilities or mental health needs.
- Publishes inspection reports so that the public can see how services are performing.
- Support improvement by working with care providers to raise standards and implement best practices.
- Investigate complaints from the public about care services.
- Collaborate with other bodies to carry out joint inspections, especially in areas such as child protection and adult support.

Duty of Candour: Under the Duty of Candour Procedure (Scotland) Regulations 2018, there is a legal obligation for organisations to be open about any significant incidents which have or may have, caused harm or death. Organisations are required to apologise to all individuals affected by the incident, and to review the incident in order to draw learning from what occurred. The intention is for there to be transparency, openness, and willingness to learn. By law, every organisation

¹² Scottish Social Services Council | SSSC

¹³ Codes of Practice | Scottish Social Services Council

¹⁴ <https://www.careinspectorate.com/>

(including social work services) must publish an annual report to demonstrate learning from duty of candour incidents that year, and the Care Inspectorate must also be informed when this has been published. For social work, this duty lies with the CSWO.

Justice system: Any person alleged to have abused a child, will have their case dealt with through the criminal justice system. Persons who are in “a position of trust” who commit the offence of sexual abuse of trust under section 42 of the Sexual Offences Act (Scotland) 2009 face significant custodial sentences if convicted. Section 31 of the Criminal Justice and Licensing Scotland Act 2010 places certain classes of individual under a duty to report to the police any knowledge or suspicion of another person’s involvement in serious organised crime. It is an offence for an individual under such a duty to fail to disclose that knowledge or suspicion. Where a disclosure of sexual abuse is made by either a young person or adult, to a Justice Social Worker, then this information will be passed as a matter of urgency to either Police Scotland or child protection team or both, in most areas of Scotland

Impact of abuse and experience of victims and survivors

Abuse affects children of all ages and responsibility for reporting should not sit with victims. Many studies highlight the prevalence child abuse and neglect however this is not reflected in the numbers of children reported to authorities. This is complicated by the historical nature of much of the victim information, and lack of research on whether current processes enable earlier identification and better response.

The IICSA report notes that ‘the scale and nature of sexual abuse and exploitation is difficult to ascertain as data collection in England and Wales is poor’¹⁵. This is no different in Scotland. But the IICSA report also highlights that mandatory reporting was the key wish of victim and survivors. This was based on many testimonies where survivors shared their experience with professionals who did not share or believe the concerns about abuse and therefore did not act appropriately to protect the children. Key findings from IICSA are:

- Abuse was rarely a ‘one off’
- Disclosures were often made long after the abuse took place
- Disclosure was often not met with sympathy or action
- Trauma and retriggering are life long
- Physical and psychological impacts considerable

‘The pain and suffering caused to victims and survivors often affected many aspects of their lives. Relationships – whether personal, familial or sexual – suffered.

¹⁵ Current estimates indicating that 1 in 6 girls and 1 in 20 boys experience child sexual abuse before the age of 16, IICSA, p1

Physical, emotional and mental health was damaged, in some cases beyond repair. The institutional responses often involved insincere apologies and the inadequate provision of support and counselling, thereby compounding the harm.’¹⁶

The dynamics of abuse and neglect are complex. There are some concerns that a child or parent may be less likely to disclose if they are not doing so in their own time and pace. This may reduce their agency and control of the process. Some children may retract disclosures; any intervention must be sensitive and understanding of this process and ensure a trauma informed approach is taken. This includes choice and control, while also ensuring that safety is paramount. The ‘system’ must allow a child to tell their story in a safe and supportive way and also uphold their rights¹⁷.

The prevalence of abuse and harm indicates that there are many victims of abuse of all forms who are not identified and supported as children or adults. Identification and disclosure of harm and abuse are complex matters however it is clear that children who are subject to abuse remain unidentified and therefore are not protected. Further consideration is needed on the current processes and systems that may hinder identification and intervention.

Impact of mandatory reporting on system and services

On the basis of SWS work to date, supported by the input of our members and CELCIS, there appears to be some evidence that mandatory reporting can result in ‘over reporting’ of concerns to statutory services. This can result in an ‘over load’ of the system, which could risk the effective and timely identification of children at risk of harm.

Where mandatory reporting has been introduced, regardless of the nature and parameters set (e.g. child sexual abuse or physical harm) there is also evidence that, while there is a significant initial increase in referrals to statutory agencies, (potentially by 60%), the increase from pre-scheme baseline drops off once the system is more established (to around 20%).

Should mandatory reporting for child sexual abuse (or for a wider definition of abuse) be introduced, it does seem clear that there will be a significant increase in workload for certain professionals. The resource requirements for any mandatory reporting system must therefore be factored into our consideration of whether to introduce a scheme in Scotland. While this is not an argument against mandatory reporting, resources are critical to ensure an efficient, sensitive, trauma informed and effective response to abuse and neglect. Mandatory reporting does not in itself protect children; it is a process, and only part of what is required to improve protection and

¹⁶ IICSA report

¹⁷ <https://www.cypcs.org.uk/rights/uncrc/full-uncrc/>

intervention. Indeed, as well as the immediate response, recovery services are critical. And currently Scotland's recovery services are insufficient to meet identified need, and additional services would be needed should mandatory reporting be introduced.

Conclusion: A developing Social Work Scotland position

The evidence collated by inquiries into child abuse presents a compelling case for the introduction of mandatory reporting, while acknowledging that recommendations from the SCAI are still awaited, but the complexities of implementing and maintaining a successful scheme are significant.

We agree that identifying and intervening to protect children is vital, but the evidence that mandatory reporting would support this is at best limited. And, critically, identification alone is clearly insufficient. Scotland's response to child abuse must be based on an effectively resourced system of reporting *and* responding.

The evidence also underlines the importance of understanding current systems *before* introducing new legislation, and the need for workforce confidence, cultural shifts, and working through the implications for various sectors. Investment in training and resources is fundamental, incorporating survivor voices and trauma-informed approaches.

At this time (August 2025) Social Work Scotland cannot definitively endorse the introduction of a mandatory reporting scheme for child abuse in Scotland. Further work is needed to determine the potential scope of any such scheme (e.g. the nature of abuse covered), its implications for professional roles and service structures and governance, and the associated costs of developing and implementing a system that not only identifies harm but responds to it appropriately and effectively. **This last point is a priority for our members: the emphasis of any policy development must be on how Scotland responds to abuse, not simply a process of notification.**

While we cannot at this time give a firm view for or against a Scottish scheme, we do believe the time is now right to do the work described in the paragraph above. The review of the international context has provided many helpful questions which now need to be considered in relation to the Scottish context. Collaborative work with survivors, professional partners and Scottish Government officials is necessary to work out what options are feasible. At the end of that process, when the detail and potential implications (including costs) are understood, all stakeholders, including Ministers, should have the opportunity to decide whether to proceed. Detailed exploration and development are what is needed next, not a firm decision for or against.

The work underpinning this paper offers points for further consideration and exploration, to support the national conversations about what form of mandatory reporting system would work within a Scottish public protection context. Principal among these questions for our members is whether Scotland's approach should focus on mandatory *responding* (rather than reporting), and whether that might more directly deliver the improvements sought, and the desired outcome for survivors and victims.

The areas for consideration in policy development include:

- **Definition and Purpose:** There is a need for **clarity in the definition** and purpose of mandatory reporting, and any possible change in the Scottish context should include both reporting and responding to effectively safeguard children. There is no international uniformity in the definition and approach, leading to questions about its purpose and effectiveness. Any potential framework requires detailed examination of who has a duty to report, what the duty applies to, and sanctions in respect of the duty.
- **Shared Understanding:** A shared understanding is needed on harm and thresholds for reporting, including current and historic abuse and/or indicators of abuse, as well as full consideration of all forms of abuse and neglect within this context. International experiences suggest mixed outcomes and impact, and mandatory reporting alone will not prevent abuse and harm or lead to increased convictions.
- **Mandatory Reporting and Responding:** Mandatory reporting alone is insufficient. If mandatory reporting is progressed, there must also be effective and resourced responses to ensure children's safety and proper handling of disclosures.
- **Understanding Current Systems:** Full consideration of existing systems and processes that provide pathways for the reporting of abuse and neglect and sanctions for professionals and organisations for failure to report which could be strengthened and enhanced and may negate the need for new legislation. Before introducing new legislation, a comprehensive understanding of existing public protection mechanisms is essential to support identification, reporting, responding, and recovery from abuse. This includes consideration of any potential gaps for any organisations in these structures to ensure that children are protected and that responsibilities lie with individuals and organisations in positions of trust, with consequences for inaction or failure to report any abuse to statutory services.
- **Workforce Confidence:** training and support will be required for the workforce across all children's services (statutory, 3rd sector and private) to implement any changes to the current roles and responsibilities whether reporting or receiving notifications of concern.

- **Cultural Shifts:** A cultural change is necessary to effectively prevent abuse, with emphasis on the importance of professional judgment and relationship-based approaches in social work and other services. Improvement in this area may mean legislative routes are unnecessary.
- **Multi-Agency Impact:** The potential implementation of mandatory reporting has major implications for health, education, and other sectors (such as 3rd and private sectors), requiring careful consideration of any unintended consequences, and if progressed, clear referral processes and understanding of responsibilities.
- **Survivor Voices:** Survivor voices and trauma-informed approaches are essential in shaping the system, prioritising agency and choice for victims.
- **Recovery Services:** Recovery services for victims and survivors (children and adults) must be adequately funded and available across the country, regardless of whether mandatory reporting is progressed.
- **Resource Implications:** Adequate resources, training, and investment in initial response as well as recovery services and family-focused supports are necessary to support the implementation of mandatory reporting and ensure its effectiveness in protecting children.
- **Data and Evaluation:** A robust data and research approach is needed to measure the effectiveness and impact of mandatory reporting, taking account of evidence from countries who already have this duty in various forms. Agreed outcomes are essential to this.

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