



HOUSE OF COMMONS

## Home Affairs Committee

### Oral evidence: Independent Inquiry into Child Sexual Abuse, HC 916

Wednesday 30 November 2022

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Members present: Dame Diana Johnson (Chair); James Daly; Carolyn Harris; Adam Holloway; Tim Loughton.

Education Committee member also present: Miriam Cates.

Questions 1 - 107

#### Witnesses

I: Professor Alexis Jay OBE, Chair, IICSA; Drusilla Sharpling CBE, Panel Member, IICSA; John O'Brien, Secretary, IICSA.



## Examination of witnesses

Witnesses: Professor Alexis Jay, Drusilla Sharpling and John O'Brien.

Q1 **Chair:** Good morning, everybody. Welcome to this session of the Home Affairs Select Committee. This morning we are going to have a one-off session looking at the independent inquiry into child sexual abuse. We are very pleased that we have our witnesses before us this morning.

I am going to ask each of you to introduce yourselves in one moment. I just wanted to say that the Home Affairs Select Committee has, over the years, had a number of sessions on the inquiry but going back some time. Now the inquiry has concluded and the final recommendations have been made, we are very pleased to have this opportunity to ask questions about the inquiry in total over the last seven years.

Thank you very much for appearing before us this morning. I wonder whether you would like to introduce yourselves.

**Professor Jay:** I am Alexis Jay. I have been the chair of the inquiry since August 2016.

**Drusilla Sharpling:** I am Drusilla Sharpling, and I am a panel member.

**John O'Brien:** I am John O'Brien. I am the secretary of the inquiry.

Q2 **Chair:** I also just wanted to say at this point that the Committee is very keen to hear from victims and survivors and to get their views about the inquiry and the actions that hopefully will be following on from its conclusions.

Later today, we will be setting up a portal for people to contact the Committee with their views. We may well hold a private session in the future with victims and survivors to hear directly from them about their experience of the inquiry. I just wanted to make that clear at the outset.

I am just going to start us off this morning, Professor Jay. I want to ask you to reflect on the inquiry, which has taken over seven years and cost £187 million. Could you just give an overview of the inquiry and how you believe the recommendations you have made will keep children safe? There have been many other inquiries in the past that unfortunately have not resulted in that.

**Professor Jay:** Our inquiry has been different from almost any other public inquiry because of the nature of the activities we have undertaken that were in addition to the formal processes normally associated with public inquiries.

We intended to put victims at the heart of the process, and I believe that is what we have done in a number of different ways, which we can describe as we go along. There are a number of different aspects to the work we undertook that made it distinctive and, in our view, informed it in a unique way that has not occurred to the same extent with any other public inquiry or review. It is a different matter as to why some of those



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well-intentioned recommendations may or may not have been effective, and of course we can come back to that.

There is quite a different explanation for why we think this will work. We believe that the recommendations we have made, as I say, have been fully informed by the views of victims and survivors. The formal process has been mostly informed by the evidence we have followed, but the other activities we have undertaken have shone a light on so many other aspects of the victim experience that we thought were extremely important.

We have made, as I think you will know, 87 recommendations up to the point of the final report, at which point we made a further 20. Three of those constitute what we would describe as the centrepiece of the report. They are the most important, overarching and cross-cutting recommendations, which we believe will better protect children in the future.

Q3 **Chair:** Do you want to say what those three key recommendations are?

**Professor Jay:** Of course, yes. There is the mandatory reporting, which you know about; there is the redress scheme; and there is the creation of a child protection authority, one for England and one for Wales. There are many others, but these were the key ones that we see as the focal point of the package of recommendations.

Q4 **Chair:** Thank you. That is very helpful. Do you know what the cost will be in terms of those three key recommendations?

**Professor Jay:** No, we have done no financial modelling of this. That would have been almost impossible to do because for redress, for example, it would depend on the nature of the scheme and what the potential payment levels would be. We looked at many other models, of course. We know what is in place in Scotland and what has been in place in Northern Ireland, although it is not with the same focus as we have had on child sexual abuse.

It would be impossible for us to have made any kind of estimate of the cost of that or indeed of mandatory reporting or the child protection authority. It rather depends on the specific design that the Government adopt in each of these cases.

Q5 **Tim Loughton:** Welcome back, Professor Jay. It is six years ago that we last had the panel in front of us after a string of sessions that we had, which were mostly about the nature of the chair of the panel. Congratulations, first of all, on lasting the course unlike your three predecessors, and for producing a very extensive report.

I want to ask some general questions and then drill down to some of the specific recommendations. In all this time that the inquiry has taken, what has surprised you most?



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**Professor Jay:** That is an interesting question. First and foremost, it has been the sheer scale of what we uncovered or we established had taken place. We know, as you will know, child sexual abuse remains under-identified and under-reported, even with the almost epidemic scale that we saw throughout the inquiry. Of course, latterly, that has been made even more alarming by online-facilitated abuse and the extent of that.

Q6 **Tim Loughton:** Are the awareness of child sexual exploitation and the risk to children of child sexual exploitation greater or less than they were when you started your inquiry?

**Professor Jay:** Are you speaking specifically about child sexual exploitation?

**Tim Loughton:** Yes.

**Professor Jay:** Do you mean by organised networks?

**Tim Loughton:** I mean by anybody.

**Professor Jay:** There is a distinction to be made between CSE and the work we did on that and the wider issue. Almost certainly, the wider issue of the sexual abuse of children is potentially far worse than anyone ever thought it was, and it is increasing.

Q7 **Tim Loughton:** You think it is not that we know more about it now, helped by the scandals that got a lot of publicity and the further work your committee did. You think awareness is higher but actual incidence is higher than it was seven years ago.

**Professor Jay:** That is largely due to the work done particularly by the Internet Watch Foundation concerning the levels of online facilitated abuse.

Q8 **Tim Loughton:** Again, is that because they are doing more work and we know more about it or because it is happening more, helped by the advances in technology?

**Professor Jay:** I would say the latter, almost certainly. It is difficult to say in other settings, because we do not have a reliable baseline from which to compare the two, for example in religious organisations or in schools. We do not have a definitive base, but we do know that it was grossly under-reported across decades.

Q9 **Tim Loughton:** Yes, everybody is agreed on that. It is a question of how extensive it still is. Are organised networks and gangs of child sexual abusers as prolific as they were? Have the police got a better hold on that now the mindset or the cultural sensitivities we have discussed before are no longer a bar to investigation?

**Professor Jay:** We absolutely concluded that it would be a false assumption to think this was a problem that was on the wane; it is not. One of the reasons for that is because so many aspects of child sexual



exploitation are not properly counted and described. That is a serious problem.

I do not know whether you are aware, but there is a model that is in frequent use across the country. We looked at what we call CSE by organised networks in six areas. We looked at six separate areas that had not been previously reviewed, and we discovered that a model of child criminal exploitation had been adopted in many areas as an appropriate way forward. That incorporates modern slavery and all aspects of child criminal exploitation.

That is absolutely appropriate and positive for the elements that are brought together under that one heading, but it has meant that the distinctive focus on child sexual exploitation has been lost. In other words, where there were committees that looked only at CSE in many areas, they no longer do that because it has been subsumed into a different model.

**Q10 Tim Loughton:** Chair, I should have disclosed an interest at the beginning because in the register I chair a safeguarding and quality board for a children's organisation. Whose fault is it that it has got worse?

**Professor Jay:** The focus has shifted away from CSE on its own to take into account other forms of criminality that engage children but do not always include the sexual abuse of children. That comes in different forms, such as county lines, etc. The focus has shifted to those areas—unintentionally, I am sure—at the expense of CSE.

**Q11 Tim Loughton:** It has gone down in priority, effectively, because of other things coming up more?

**Professor Jay:** Yes, I would say so. That has happened. In some of the six local areas that we looked at—Tower Hamlets was one of them—the police acknowledged that they knew of no organised networks in their area. They were not saying that they did not exist but that they knew of none. That seemed, as an example, rather surprising.

**Q12 Tim Loughton:** Rather than let you do all the work, I could ask Ms Sharpling for some general comments and then come back on the specifics. You have come up with 107 recommendations. You have covered a lot of areas in this report, some of which were not envisaged when it was set up and certainly were not envisaged by the group of us who urged the then Home Secretary to set up this inquiry. That certainly includes the inquiry going into some of the online areas. Have you cast your net too wide? Are you at risk of crowding out some of the key central recommendations, of which we have heard just three?

**Drusilla Sharpling:** I understand the question. At the beginning of the inquiry there was quite a lot of concern being expressed generally about the breadth of the terms of reference. In the end, that tended to be a strength because it allowed us to go into dark corners and shine that



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spotlight where it needed to be shone without the constraint of a very precise set of terms of reference.

No, we did not cast our net too wide. We were very focused on the investigations we agreed to do. We tried to cover as many organisations as possible, principally those who had caused considerable public disquiet over the years about the management of child sexual abuse cases. As a result of that, we were able to build up a layered picture of exactly what was going on in those institutions.

At the end of the day, we wanted the report to be incontrovertible about the sheer scale of child sexual abuse across England and Wales and globally. The institutions that we looked at demonstrated that it clearly was a serious issue, it was not a few cases and it could not be put under the carpet, as it had been in the past. That was a real issue that needed to be addressed nationally, and internationally, I should add.

**Q13 Tim Loughton:** I am not complaining about the extent of the work the inquiry has done. I was one of those who said it needed to leave no stone unturned and go into every organisation, right up to politics and everything else, as it clearly did.

This is such a mammoth piece of work. You have gone into all sorts of areas, which is fine, but you are making lots of recommendations about lots of things that are not, on the face of it, mainstream to historical child sexual abuse, which was the essence of why the inquiry was set up.

There is a concern that you are potentially opening yourselves up to criticism for some of the other things you are making recommendations about, which were not germane and central to the original inquiry. That could take away—I am slightly playing devil's advocate here—from the really central recommendations, of which we have heard three and there are many others. Is that a fair comment or not?

**Drusilla Sharpling:** You use the word "historical". The issues in those cases and the incidents we looked at, which took place some time ago, were not unique to that particular era or particular decade. Going through the inquiry, we found that the sorts of issues that arose some time ago were exactly the sorts of issues, in a different context of course, that were more contemporary.

It seemed to us that, if we were to make recommendations, they should cover the future to inhibit and prevent ongoing child sexual abuse across institutions rather than solely making recommendations that dealt with only what had happened in the past. We saw it very much as a moving terms of reference. Because of that, we centred our recommendations on providing what I would summarise in two words as profile and focus on child sexual abuse. So often that had been lost when we looked at those cases that had occurred in the past. Of course, it does not feel like the past to the victims and survivors of those incidents.



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It was very important, therefore, to have an inquiry with recommendations that drove the agenda forward to protect children in the future and did not rely solely on recommendations that hinted at the past.

**Q14 Tim Loughton:** In terms of child safeguarding generally, the lesson of the last 25 years has been that post Victoria Climbié we spent 10 years virtually annually having more regulations and more legislation, and we have spent the last 10 years trying to unravel an awful lot of that because the rulebook got in the way of professionals doing their job.

You fall into the same trap. You have come up with 107 recommendations, many of which are about processes or setting up new organisations. You are going to have a very substantial rulebook that, it could be said, impedes the professionals you want to regulate more from using their professional nous and getting on with their job of sniffing out, trying to prevent and clamping down on instances of child sexual abuse. Is that fair, Professor, or am I being mean?

**Professor Jay:** First of all, could I just correct the impression that all of the investigations that we carried out were historical? That is not the case. We deliberately looked, as I just mentioned, at child sexual exploitation recently.

From 2018, we also looked at children in custodial institutions from 2012. We also looked at the Anglican and Catholic areas to get an overview of the current position then. I think the date was 2018. We tried to look at the past on many of these occasions and see what was currently occurring. That was not true for all of them, but it certainly was for some of those.

Your question is perfectly fair because I do not disagree with you at all about unpicking some of the legislation and the historical Act. That was passed in 1989. There have had to be revisions, as there have to be with every piece of legislation like that.

I understand you may be playing devil's advocate, but you can see that certain processes are not assisting at all, which was one of our conclusions. We were not here to analyse the entire care system. That was not our job. When it comes to child protection and its relationship to safeguarding, we certainly believe that the focus had been lost on child protection because of the wider strategic position on safeguarding.

**Q15 Tim Loughton:** The point I am making is that the recommendations are very largely about adding something: a new authority, new regulatory requirements on professionals, new monitoring, mandatory requirements or whatever they may be. It is not about taking a little away. There is a very big net addition of regulation, legislation and resource that will be required to go across all those regulations. That is my comment.

If you take something like the new child protection authority, why do we need it? The model you are recommending has no regulatory or



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enforcement powers. What does it add to the existing institutions that do that job, from which you are not recommending taking away any of their powers or reducing their functions?

**Professor Jay:** We were certainly keen to avoid duplication. That is not what the child protection authority is proposing at all. There are organisations that are not in regulated activity that have a great deal of contact with children where there is no oversight at all; there are no standards.

We were very concerned about, for example, supplementary schooling. There is no external assessment of whether children are properly protected in these settings. That is an example where, if there was no oversight, the child protection authority could intervene.

Q16 **Tim Loughton:** To take that example—it is something that some of us tried to do 12 years ago—the Government are now looking to have oversight of that using existing structures. It is not recommending setting up a new equivalent of the child protection authority in order to look at supplementary education, home schooling and things like that.

**Professor Jay:** That is simply an example of where the child protection authority would be enabled to do something that is not currently done. As far as we knew when we were writing the report, little was being done about it.

Q17 **Tim Loughton:** I am sorry. There is a gap—I agree with that—but the Government's solution is to give increased powers and scope to existing bodies, which do have regulatory and enforcement powers. You are simply suggesting setting up a new body that does not have regulatory and enforcement powers to fill that gap, which the Government are going to fill.

The point is that I am not convinced that the be-all and end-all and one of your key three recommendations should be setting up an all-singing and all-dancing—it is not quite all-singing and all-dancing—child protection authority. I do not see what it adds.

**Professor Jay:** For a start, it would add leadership to child protection, which we considered to be currently absent.

Q18 **Tim Loughton:** Where should leadership be?

**Professor Jay:** It should add leadership to the whole very complex process. I distinguish here between child protection and safeguarding. There is quite a lot of safeguarding going on, but the hard, complex and skilful work of child protection with individual children and the expertise required in that does not have leadership.

I would go on to suggest that another omission is in multi-agency leadership. I know this issue has been around for a long time, but we do not see that it has improved.





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**Q19 Tim Loughton:** Again, that surely is something that can be addressed within existing structures. There is a problem with the dynamics between the Home Office and the Department for Education when it comes to dealing with what we could call vulnerable children, children open to whatever sorts of abuse, and there are shortfalls between Ofsted and in some cases CQC having oversight.

Why do we need a whole new authority, adding further complications and a further dynamic because it does not have the same powers as some of the existing regulatory authorities, in order to address that problem? Surely we need greater definition as to whether the Home Office, DfE or indeed another Department is leading on this. It may incorporate the Office of the Children's Commissioner or whatever. You have still not made the case for a whole new organisation that does not have the powers some of the existing ones do anyway.

**Drusilla Sharpling:** Can I say something additional here? There are issues that are difficult to describe when you are dealing with tactical considerations and operational considerations. That is culture. Part of the difficulty in the current establishment is that the leadership to which Professor Jay refers is diffused across the piece.

The child protection authority would add, if I can be so blunt, the political heft and leadership that is required to keep child sexual abuse at the top of the agenda. Throughout the many years we have looked at in the inquiry, we have seen ebbs and flows. Reports have been written; changes have been made to regulation. Changes have been made to workforce regulation, etc, but we still have not seen the priority that needs to be attached to what is now almost a global phenomenon.

It is that; it is not quite the rules and regulations part of it. It is something deeper and more profound. It needs that leadership in order to take that forward.

**Q20 Tim Loughton:** Which Department of Government would it be answerable to?

**Drusilla Sharpling:** I do not see that it is particularly the role of the inquiry to name which Department it ought to be reporting to. Ultimately, that would be a decision for Government.

**Q21 Tim Loughton:** I would have thought it was entirely legitimate for an inquiry that has done such thorough work to be able to identify where such a body would be best administered from and overseen. Is this a criminal safeguarding issue? Is it a childcare issue? Is it for the Home Office or for DfE?

**Drusilla Sharpling:** It may be both of those things, of course.

**Q22 Tim Loughton:** Should we have a new Department of Government?

**Drusilla Sharpling:** We certainly had not envisaged a new Department of Government.



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Q23 **Tim Loughton:** Where is the Children's Minister at Cabinet level? That was something that was advocated 20 years ago. Which Department is that Children's Minister going to sit in?

**Drusilla Sharpling:** I could only make a suggestion that it would be the best Department that deals with most of the issues arising in respect of children. The point is that the culture requires the leadership.

Where that leadership comes from is something the inquiry has not specifically dealt with because it is important that the culture permeates the child protection authority in its leadership role through to all those people and organisations that sit beneath and alongside it so that they all do the right thing in terms of child protection.

Q24 **Tim Loughton:** I agree, but this is the mindset. When the Government launched the first action plan on tackling child sexual exploitation in November of 2011, it was as a result of the leadership coming from, at that stage, DfE, having brought together Home Office Ministers, chief police officers, the Association of Directors of Children's Services, children's charities such as Barnardo's, which was one of the sponsors, and the media, with the big campaigns run by *The Times* in support of that.

What made that work was not having an organisation or a quango. It was not even having a separate Department of Government. It was the ability, the determination and the drive to bring together all those different agencies, which, as you quite rightly point out, is the key to this because it is a multi-agency approach.

What I keep coming back to is that this can be achieved—there has been drift in those last 10 years against that, I would say—without setting up a whole new authority, which too often, in too many of the reviews we have had in the past, is the silver bullet. It is not really, is it?

Your recommendations could be much better taken forward if we did not get hung up on having to set up an expensive, costly without-powers child protection authority. I am not playing devil's advocate now.

**Professor Jay:** I was simply going to say that Government have not got their act together over the years.

**Tim Loughton:** I agree.

**Professor Jay:** It has been a constant source of frustration. I say this as a previous director of social services, knowing Scotland and England. It has been a constant source of frustration that the hugely important issue of child protection or children has been spread over so many different Departments of Government. It has caused enormous confusion, only to the detriment of the hugely important subject we are trying to tackle.

It has been spread, as you know, between Justice, Education and the Home Office.



**Tim Loughton:** Yes, and local government, the Cabinet Office and DCMS.

**Professor Jay:** Yes.

Q25 **Tim Loughton:** Those were the six functions I used to have. They have gone to six different Departments now. I will hand over, but I may come back later. I just have one last thing because Mr O'Brien is getting a very easy run at the moment.

Back on the child protection authority, do you have a view as the sponsoring authority, given that you have been at the Home Office and its related institutions for almost 20 years? Is it based on any other model in any other country outside of the United Kingdom? Is there is an oven-ready child protection authority we could lift from another country?

**John O'Brien:** Not as far as I am aware, no, although of course my role was quite different. I did not hear the evidence that the chair and the panel members did.

All I would add to what Professor Jay has just said is that you quite rightly commented on what was achieved from 2010 onwards. The trouble with that is, because so many different organisations are involved, as priorities change and other things take priority—we have already spoken about county lines taking priority—suddenly the focus shifts and you get more priority being given to county lines, for example. Then there is another incident that shifts the focus back somewhere else.

The panel heard time and time again that in organisations in which abuse was known about there was a disinclination to report it within the organisation and a disinclination certainly to report it outside the organisation, which meant that all of the functions you have just described were not triggered because it was never reported outwards.

The panel did hear that time and time again both in the past and recently. There are always many ways you can do things, but, having heard all the evidence, the panel was definitely convinced that child protection needed a focus that is not currently apparent in the organisations they looked at.

Q26 **Tim Loughton:** You have not answered my question about whether it should come under the Home Office.

**John O'Brien:** There are so many Departments that currently do this. There needs to be a sensible conversation about this across Government. It is for Government to decide where they think it should sit. Somebody needs to make that decision, because otherwise we will end up with all Departments having a bit of it.

Q27 **Tim Loughton:** That was a very neat evasion of the question. Is it true, Professor Jay, that there is no child protection authority model in another country outside of the United Kingdom that you drew on to come up with



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this recommendation? It was your own creation.

**Professor Jay:** It was our own creation based on the evidence we heard from a huge range of people about the gaps in the present system, which was a question we frequently asked in the public hearings.

Q28 **Tim Loughton:** Did you take evidence from overseas sources?

**Professor Jay:** Across the inquiry we did.

Q29 **Tim Loughton:** Did you travel anywhere and speak to equivalents?

**Professor Jay:** No, we did not travel. We were very busy trying to get through the work.

Q30 **Tim Loughton:** I am sure you were. Did you have Zoom meetings with the Home Office equivalent in Portugal, America or wherever?

**Professor Jay:** We had many seminars. In other areas that we will be coming on to, I would imagine, we had persons from other jurisdictions talking about their particular models in areas like mandatory reporting or redress, for example. We did take a great deal of evidence and we undertook a great deal of research as well. There were programmes we undertook there. We commissioned one-off research, for example, on different models.

The decision about the child protection authority was based on what we saw as a significant gap in policy and practice.

**Tim Loughton:** You spoke to lots of overseas authorities, but none of them had the equivalent of a child protection authority. Perhaps we will come back to mandatory reporting in a minute.

Q31 **Chair:** Yes, we will. I am going to come to Miriam Cates, who we are very pleased is guesting from the Education Committee this morning on this Committee. Professor Jay, I have been listening very carefully to your defence of the child protection authority. You have talked about leadership, culture and the need for that. Could you just explain to me, practically, how you envisage that this authority would actually operate?

**Professor Jay:** It has a number of functions that we described in the report. It would be to raise the standards of practice in child protection work specifically because we believe there was not enough expertise in the field across the piece. It would address what we saw as the skills gap in the direct work of child protection.

Q32 **Chair:** Would it be sharing good practice? Just so I understand, is that what you are talking about?

**Professor Jay:** No, not really. Sharing good practice is always a helpful thing to do, but we need people who are very good role models—this is true in the child protection authority as well—who clearly advocate for specific ways of engaging with children and professionals on child protection issues.



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There will be poor practice and reviews that have failed to address that practice. We know that there have been reviews that have been carried out that have failed to address some of the really deep-rooted practice issues across all disciplines. They have also been ignored because the same problems have recurred again and again in certain areas. They should have oversight of that and be able to identify where these problems lie for Government to take action.

**Q33 Chair:** I am struggling a little bit. It would involve a series of inspectors who would look at what is happening in a particular setting. Is that how the authority would work?

**Professor Jay:** It would work like that only on the basis that there were weaknesses identified in various inspections that may have taken place. If, for example, positive inspection grades were given to a particular area, whether it was the police, children's social care or whatever, and then some very serious incident took place, that may cause those working there to lose confidence in the inspectorate's capacity to identify problems and weaknesses.

It has happened that this has been the case. We have read about and heard about Ofsted, or whatever form the inspectorate took, going back in time, giving a clean bill of health to the key agencies involved only to find there were all sorts of problems with it that resulted in harm to children.

It is to keep some kind of oversight of those involved in that and to ensure that, where it has occurred, the agencies concerned have been positively inspected and assessed. Problems will subsequently arise. You must know that occurs from time to time. The loss of confidence in that particular inspection model is important and needs to be addressed quickly.

The CPA would then have the power to intervene and to look in more detail at that. This is one of the reasons why this is not a substitute for anything Ofsted does. It is to enhance it. Clearly, problems have arisen in the fields where inspection has not been effective.

**Chair:** It is an enhancement function, really.

**Professor Jay:** Yes.

**Q34 Chair:** The other thing I wanted to ask was about the questions that were just put about the Cabinet Minister for Children. Did you consider the role of the Children's Commissioner?

**Professor Jay:** Yes, we did. Of course, they are not politicians. They are not in the room. They are not in the Cabinet. It needs a higher profile, higher focus and higher status.

**Chair:** In the Cabinet is where this needs to be.



**Professor Jay:** Yes.

Q35 **Miriam Cates:** As the Chair said, I am a member of the Education Select Committee. The first question from me is a really simple one: would you be willing to come to the Education Select Committee? I believe the Clerks have been trying to fix a date. We would very much like to explore in a bit more detail how a CPA might work. In principle, would you be willing to appear before our Committee?

**Professor Jay:** Yes.

Q36 **Miriam Cates:** I just want to dig into the online aspect. What you are saying today and in the report is that, since the inquiry started, the opportunities for child sexual abuse and child sexual exploitation have sadly exploded because of the internet. Two of your recommendations relate to that. One is more robust age verification requirements for online platforms; the other is mandatory online pre-screening for sexual images of children.

On the age verification, you will be aware that the Online Safety Bill is coming back to Parliament on Monday. It is a step in the right direction. Does it go far enough in preventing child sexual images being uploaded and viewed?

**Drusilla Sharpling:** We are not aware of exactly what the recent changes to the Online Safety Bill are. We would be very interested to learn about that. It seemed to us that pre-screening in particular was an absolutely critical function to prevent the worldwide trade, as it is, in indecent imagery.

Q37 **Miriam Cates:** There have been no changes to the age verification aspects. On pre-screening, the Government are saying that pre-screening on device is out of scope of the Bill. You mention in the report that you could have pre-screening within platforms, but it might not work with encryption. The Government are saying they are not willing to break encryption. What do you think about that? Without breaking encryption, can you address this issue?

**Professor Jay:** We are quite clear on this matter. In the debate between privacy and child protection, the inquiry will always be firmly on the side of child protection.

Q38 **Miriam Cates:** You would recommend that the Government look again at this issue of protecting encryption.

**Professor Jay:** Of course, yes.

**Drusilla Sharpling:** There will be technical solutions, which they are developing all the time, to enable that to happen.

Q39 **Miriam Cates:** There has been an explosion in online-facilitated child sexual abuse. There is some evidence that this has been driven by the increase in pornography use and that the way the algorithms work is they



draw people into more and more extreme and violent pornography and then eventually into child sexual abuse. Did you look at that link? Did you do any particular enquiries into pornography use in general and a link to child sexual abuse?

**Professor Jay:** We did not specifically look at pornography. Naturally, we had an investigation into the internet because we have just been referring to it. It did come up in parallel to that. We also heard quite a lot about it in the context of, broadly speaking, sex and relationship education and how, regrettably, too many children got their information about that from internet pornography.

Q40 **Miriam Cates:** That is very interesting. A lot of schools would say—I am thinking of the Everyone's Invited scandal, for example—there is a connection between the fact that 50% of 12 year-olds have seen online pornography and the treatment of girls by boys and some of the injuries they are getting. There is some really horrific stuff.

Schools have a difficult dilemma. On the one hand, they need to teach children about the harms of pornography use, the fact it is not real and the dangers of some of the things they see. Sadly, the RSE curriculum has also opened up a kind of sexualisation of children in school by schools and some of the materials they are using.

Does this blur some of the boundaries? One of your survivors—was it Habiba?—talked about how she felt when she saw sexual activity promoted in school and when she realised she was being abused. Is there a bit of a blurring here? Schools are moving away from teaching about the birds and the bees to telling children about sex acts and sexual pleasure. Is there a blurring of boundaries there that could have an impact on this?

**Professor Jay:** There is the whole question of the appropriate stage for children to be given this form of education about sexual activity. All the experience we have had is that the children involved think it is old fashioned and out of date. They think it is not meeting their needs or helping them deal with all the challenges they face that at one stage would never have been faced.

For example, in some areas a public health approach might be taken that says the aim of all of this must be to reduce teenage pregnancy. I quote from 10 or 20 years ago. That is not the position we are in now. Important as that is, there are far more challenges that children and young people face, which need to be addressed through personal and relationship education.

We did not look at this in great detail, but nevertheless some of the engagement papers were drafted after we had extensive consultation with young people themselves about what they wanted around these matters. They definitely did not want the traditional approach. I agree that it requires a great deal of sensitivity as to how it is portrayed, but the one thing we cannot do is go backwards.



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Q41 **Miriam Cates:** That is helpful, thank you. Another one of your recommendations was improved compliance with DBS checking. Again, no one would disagree with that. Did you make any assessment of the weaknesses of DBS checks and the loopholes that are present within the system?

**Drusilla Sharpling:** We did.

**Professor Jay:** Mr O'Brien will speak about this.

**John O'Brien:** Yes, we did. Let us look at this domestically first. One of the big weaknesses is that there is already a duty that, where a professional body, such as the General Medical Council, for example, opens an investigation into an individual they are responsible for, there is a requirement to let the DBS know that so that can be taken into account alongside other information that might already be held by the DBS in that person's disclosure. It is not just whether that information is disclosed. Of course, the barring function of the DBS does not always rely on one piece of information. Sometimes the bar is made because of a culmination of information rather than just a single piece of information.

Q42 **Miriam Cates:** That might not be actual criminal convictions.

**John O'Brien:** It might not be convictions. If that information from the particular body concerned such as the General Medical Council—I am just picking them as an example—is not forwarded, it cannot be taken into account. There is quite a weakness there.

If we go right back to Holly and Jessica, the whole point of that is that you need to have the totality of the information in order to make the right decision about whether somebody is suitable to work with children or vulnerable adults. If you do not get the information, you are not necessarily going to be making the right decision.

Q43 **Miriam Cates:** I do not know whether you have seen in the news recently that Sarah Champion, MP for Rotherham, is pushing for an end to this loophole where, if you change your name, you can erase your criminal history. That is also the case if you change your gender. Did you consider making recommendations about tightening up the process as well as just improving compliance?

**John O'Brien:** The panel did not do that specifically. It is already a requirement to put all the names you have been known by on the DBS check. When the DBS run their check against the police system, if any aliases show up against the name that has been given, the police will automatically include that information in what they send to the DBS, if that makes sense.

If they apply under the name Joe Bloggs and when they send Joe Bloggs' details to the police, they say, "Joe Bloggs is also known as these five names", they will package all of that information up and send it.





Q44 **Miriam Cates:** I do not think the school, let us say, gets to see those previous identities. It is certainly the case with gender. I cannot remember the name of it, but you can go down a route of enhanced privacy. Let us say you are a man who has changed your gender to a woman. That is self-ID; there is no gender recognition certificate required. The school may never know and would not be allowed to ask you if you were previously a man.

Is that a loophole? Is that something that somebody who was predatory might seek to exploit?

**Professor Jay:** It is not a matter that we considered at all in relation to the work of the inquiry. It is more recently that this has emerged.

**Miriam Cates:** Yes, of course.

**Drusilla Sharpling:** We were very much concerned with the evidence that was given about it. That is why.

Q45 **Miriam Cates:** Just finally, you describe on page 8 of the report some of the things that happened in Nottinghamshire in one of the children's homes. It says, "In some instances, a sexualised culture prevailed, with staff behaving wholly inappropriately towards children, paving the way for sexual abuse".

Without speaking explicitly, what do you mean by that? What was this culture and how did it pave the way for the sexual abuse of children?

**Drusilla Sharpling:** It is about complacency and not taking notice of children's concerns or needs. It was letting children out when they should not be out. There was a whole panoply of things. It struck one as being careless around children, including allowing people to go into a child's room unaccompanied and ignoring sexualised behaviour. There was a series of things that occurred.

**Professor Jay:** It occurred in other places as well as Nottingham but—you are quite right—it certainly did occur there.

If you want examples, it could be care workers putting their arms around young girls or boys or kissing them. That was not necessarily in any sort of passionate way, but nevertheless it went well beyond what appropriate touching and engagement should be. It included using language inappropriately towards them that involved sexual images.

It was also about generally creating an atmosphere where anything goes. There are no boundaries being set or upheld in these kinds of circumstances. Indeed, we found that was also the case in custodial institutions as well.

Q46 **Miriam Cates:** This was not picked up on by Ofsted or whichever investigating body.

**Professor Jay:** No.



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**Miriam Cates:** I assume they just did not behave like that on the day Ofsted arrived.

**Drusilla Sharpling:** Almost indubitably not, no.

Q47 **Miriam Cates:** How would your recommendations make that scenario less likely in future?

**Professor Jay:** We have twice recommended that there should be formal workplace regulation of those who work in children's homes. It is quite shocking that England is the only one of the four home countries that does not have workforce regulation of care staff in children's homes in place.

It is bizarre indeed. I know about Scotland, of course. The legislation came into force in 2002. The first priority was the regulation of children's homes and what used to be called officers in charge. Incrementally, over the years, all care staff have had to be registered individually. It is just amazing that this has not happened. We have recommended it twice.

We believe it does two things. It sets standards and accreditation for qualifications of care staff. That is important because it maintains and should improve the skills of the people working in that sector. Secondly, it also deals with misconduct issues. It is very important.

In England, we have spent quite a lot of time on this subject. The only category in the social care sector is social worker. Some time ago they deleted, for example, social work students who were in a range of places from the necessity to be registered. It is now only social workers.

We met the chair of Social Work England. He had been recently appointed, and he was enthusiastic about expanding in the way we were recommending, but he has to take his direction and funding from Government to do so.

Q48 **Carolyn Harris:** Can we turn to the engagement with victims and survivors and the Truth Project? Over 23,000 people expressed an interest in engaging, and yet only just over 6,000 people did disclose. Was it a capacity problem?

**Drusilla Sharpling:** It certainly was not a capacity problem as far as the inquiry is concerned. It takes quite a lot of doing to come forward to talk about what happened to you as a child. Some most terrible abuse has taken place. People were genuinely interested in finding out about it, but they took personal decisions about whether they were prepared or felt able to come and talk to somebody about it. It is not a surprise that there should be a difference between the number of people who might be looking to see whether it was something for them and the number of people who came forward.

What we are pleased to say is that those who did come forward and talk to the inquiry about their experiences and shared what happened to them



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were more than satisfied with the treatment they had and thought it was right for them.

It is difficult to imagine what it must be like for a child not to have a voice, to have no one ever listen to you properly or react appropriately to what you have been telling them. I hope the Truth Project enabled that to happen and that they could tell what had happened to them to somebody in authority. For many it was for the first time. That was an extremely important contribution the inquiry made.

It was unusual because it was not in the usual context of a public hearing. What they said to us was confidential, and we used it for the purpose for the research only if they agreed.

Q49 **Carolyn Harris:** That brings me to my next question. What support were you giving people who came forward?

**Professor Jay:** It was extensive and comprehensive. Again, this is where our inquiry differed from others. Due to its very nature, with it being such a sensitive issue, we were very conscious of the fact that so many people who would have contact with the inquiry could be traumatised or re-traumatised if they had already been abused. We spent a great deal of time and money on ensuring that we had a safeguarding team that would meet all of those requirements.

In a public hearing, for example, where victims were being called as witnesses, we had a plan in place for when they were first contacted. They would get phone calls after that each week until it took place. They were usually already being supported by their legal team, but we offered this. We could not offer counselling and support indefinitely, naturally, because that was not our purpose, but we did provide that. We provided an out-of-hours service. There was a great deal of support offered before, during and after to victims who were witnesses, for example.

We also applied that to victims who attended seminars. We applied it to our own staff, indeed, because many of them had come from different areas where they had never heard of such things happening to children. It is not really surprising that is the case. They were horrified by it.

Even people who opened correspondence could be deeply upset by what they read. It was provided to staff; it was provided to people in the public gallery who sometimes could not cope. They sometimes reacted and responded. Of course, it was primarily provided to the victims themselves.

As I say, we had this out-of-hours service and we had agreements with local authorities and the police, through Operation Hydrant, which we can talk more about. It was indeed extensive. It was a trauma-informed approach involving people who were well trained in using those approaches.

I do not know whether you have anything to add to that, John.



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**John O'Brien:** If I talk about the Truth Project specifically, after somebody had expressed initial interest and said that they would like to come to a session, at least 10 days out from that session they would be contacted by one of our professionals, who would talk them through the process, say what it involved and ask if they had any special needs. Did they want to bring a companion with them? Did they have any special travel needs? Did they need to stay overnight because it was going to be a long journey? All of that was sorted out up front so that those worries were removed before the session itself. There was regular contact during that 10-day period.

On the day itself, they were given the option of that person who had provided that support being in the room when they had their session. It was entirely their choice if they wanted that to happen. They had a follow-up immediately after they had finished talking to us with that same person, so they could work through any issues that had come up. Afterwards, there were two checks in the following 10 days to make sure there had been no issues subsequently, and then there was a pointer given to support provided within their local area, in case they needed support beyond those 10 days.

For almost an entire month from the time they said that they wanted to engage with the Truth Project, there was somebody professionally qualified making sure that they had all the support they needed. In the sessions themselves, when I say they were in control, that is exactly right. They controlled the sessions. The sessions were not run by asking questions. It was somebody saying what they wanted to say. They could stop when they wanted. They could take breaks when they wanted to. They could ask to go and speak to the person who was providing support at any point. It was a very comprehensive package, and the feedback around the support has been excellent.

Q50 **Carolyn Harris:** What about post those 10 days? The genie is out of the bottle. Somebody said what has probably been controlling their hearts, minds and bodies for God knows how many years. They have articulated this and been sent back to where they were when they were first abused. What support was there post those 10 days?

**John O'Brien:** We worked very hard with all the local areas to find out the sorts of organisations that provide similar support in that area, and that information was given to people as we handed over. We did not just say, "We have finished now". We actually said, "We have done what we can do for you, but here are organisations in your area that can provide that support". Many people who came already had their own support anyway, but we did make sure we properly signposted people to organisations that we knew could provide that ongoing support if it was needed.

Q51 **Carolyn Harris:** Were people signposted or referred?



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**John O'Brien:** They were signposted. We made sure that they knew where to go. If they told us they had a specific issue, then we would try to facilitate that, but most people did not. Most people were happy that they knew who to go to beyond the 10 days if they needed to. As I say, a significant number already had somebody who was providing that support to them even before they came to us.

Q52 **Carolyn Harris:** Did you do any kind of follow-up several months down the road to check that everything you had hoped would be in place had actually been in place, revisiting those witnesses?

**John O'Brien:** We did not do it in that way. They were able to contact us if they felt that they needed that support but, as you can imagine, this was a big process with over 6,000 people.

Q53 **Carolyn Harris:** I understand that entirely, but if somebody has done that, they may not feel able to come back to you. Maybe if you had gone back to them that might have been a better way. Mental health alone would have been a massive issue for these people.

**John O'Brien:** I fully accept that the more we could have done on this the better, but we provided what we thought was a very comprehensive package within the constraints that we were operating in.

Q54 **Carolyn Harris:** Did you have any complaints about the way that you had done it or the service that was being provided?

**Drusilla Sharpling:** We ran satisfaction surveys. I think 94% were very pleased with the treatment they had received at our hands, as it were. We were concerned that we would receive many complaints, but largely speaking there was considerable satisfaction. We know that from some of the accounts that were published in the inquiry's reports, which were obviously anonymised and with the person's permission.

Q55 **James Daly:** Can I thank you for the work that you have done in respect of this area? It is extremely important. I am the MP for Bury North in Greater Manchester. I also have a background in criminal law. It is a very nuanced area and talking in generality probably does not do us much good in respect to this.

I am going to ask some questions regarding the failures and what you found in policing and council institutions in addressing grooming gangs. The next-door constituency to me is Rochdale, and we have seen other examples. I have met Maggie Oliver and have had many conversations with her and other whistle-blowers within Greater Manchester Police. I do not know whether you can actually comment regarding Greater Manchester Police, but the situation was absolutely abysmal. There was no level of protection for children in these circumstances.

In general, what are your findings or recommendations to the police and councils? I have seen the mandatory reporting, which is to be welcomed, but I fear that the activity of grooming gangs is happening as we speak. It is happening now and not being investigated by the police, and



children in my area are being let down. I just wondered what you feel about that, and what the recommendations are directly to the police and the local authorities.

**Professor Jay:** I could repeat some of what I said earlier specifically in respect of organised networks, as we choose to call them. Ms Sharpling can comment on the issues around the police as reflected in our recommendations. I am sorry to repeat this, but for the sake of being here, we chose quite purposefully not to look at the areas that had been the subject of serious and extensive review already, such as Rotherham and south Oxford, because this had already had the kind of in-depth review that many other areas had not. We were anxious to look at different areas and see what we could find out about how they were addressing the issue you have raised. In particular, we looked at six carefully selected areas.

**James Daly:** One was St Helens.

**Professor Jay:** I was just going to say St Helens. I assume that is the closest one to where you are. That revealed two really important issues. One was about the absolute lack of proper data about any of this. You could not distinguish one grooming gang from another, because the detail of both victims and perpetrators was not recorded by the police, and generally not recorded by the council. Ethnicity was not recorded, for example, but nor was any other information.

It matters in policing, of course, but it certainly matters to councils as well, because there are many circumstances in which the ethnicity of the child, had it been properly recorded, could have allowed a better and more effective support service to be provided, had it been known. We were not clear exactly, in the conduct of this study, why there were these omissions, because none of the six areas did it. In the responses we got, there was a concern that perhaps police were not clear about how to ask the questions about ethnicity.

Q56 **James Daly:** They could not ask a question about ethnicity. They should be sacked. That is the most basic level of competence that you can have in protection of children.

**Professor Jay:** I simply reflect an answer given in the course of the case studies that we carried out in these six areas. We made other recommendations about the inadequacies of the current data collection systems, but that is one set of issues. The other one is that, in recent times, we believe that child sexual exploitation by organised networks has reduced in the priority given to it by the agencies charged with addressing these matters and supporting victims. That is partly because, whilst not necessarily for any ill-intentioned purpose, most areas have adopted the model of child criminal exploitation that involves bringing together county lines, modern slavery and a range of other things alongside issues around CSE.



In the model currently being implemented, our assessment was that that has led to a depletion of the focus on child sexual exploitation by organised networks, because county lines and other issues have become more important. This is not to say they are not important. They are, but we firmly believe that there should continue to be a distinctive focus on the issues of child sexual exploitation in every area. This is a quote: "We do not want to be seen as another Rotherham or Rochdale".

**Q57 James Daly:** Professor Jay, we should therefore be startled by what you have just said, if there is a lack of focus in police forces on this most serious of offences. I am quite speechless that the police are taking that attitude in respect to this. What is your recommendation to us in terms of what we should be doing to ensure that the police take this as one of their absolute main priorities in protecting the most vulnerable people?

**Professor Jay:** It is one of their main policing priorities, as far as I am aware. Ms Sharpling may be able to comment further on that.

**Drusilla Sharpling:** Leadership really matters in these circumstances. What emerged through all our investigations, in various degrees, was the failure of the police, on occasions, to consider children worthy of belief and therefore to take any action. There was a cultural attitude towards children that was unhelpful. On some occasions, these failures could lead to a failure to join the dots and find out whether there was, for example, a paedophile ring or something of that nature. There is nothing in the rulebook that says they should do that. No doubt the rulebook says entirely the opposite, so it is a matter of management and leadership that must be exercised in order to bring about a change of attitude and behaviour.

That is why mandatory reporting, of course, applies to police officers, and why we specifically made a recommendation in our interim report about how senior leaders in the police, before they become senior leaders, should have some experience of child protection to really understand its implications. After all, to become a chief constable you have to start more or less as a police constable.

**Q58 James Daly:** Yes, absolutely. You make an incredibly important point because it does not just relate to the point we are talking about here. One of the reasons why we have ridiculously, appallingly low charge rates for offences like rape is because of the police attitude to complainants and vulnerable people who come to them and are simply disbelieved, or treated with, essentially, contempt.

My final point relates to that fundamental question regarding management and how we get the police and authorities to take this seriously and change their attitude. Mandatory reporting is good, but that does not change an attitude. That is just something you have to do. What is it that is going to make these people take it seriously so we can protect more people?



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**Drusilla Sharpling:** The change in the law has an effect on behaviour in a way that publishing guidance does not necessarily do so. Just for the sake of balance, I ought to say as well that, in consulting our forum members, they thought that in many cases the police had also got better in relation to child sexual abuse, but I have to say that, in the investigations we looked at, there were many examples of poor practice and poor behaviour.

Q59 **James Daly:** I do not think we should congratulate anybody on getting better from an appalling situation.

**Drusilla Sharpling:** I am merely repeating what we were told.

**James Daly:** That is extremely helpful. Thank you very much.

**Professor Jay:** Simply on the matter of CSE, I should add, going back to my previous work in this area as well, that there was a general view that children, particularly those in care, were not worthy of protection, especially if they were girls. They were seen as being responsible for their own abuse.

**James Daly:** I suspect that attitude has not changed.

**Chair:** It is truly shocking to hear you say that.

Q60 **Tim Loughton:** To be absolutely clear, you are saying that the mindset and culture within the police force in this country towards accepting and acting on child sexual exploitation cases is no better now than it was before the Savile revelations.

**Professor Jay:** We are not in a position to compare fully, of course, but I was certainly aware of what the attitudes were at the time of the Rotherham review. In relation to the six case studies we did on CSE, one of the issues we looked at was victim-blaming language, for example. The agencies did not come out well on that score. I cannot definitively say things are no better but, as I said to you earlier, the flawed assumption that this is a problem that is on the wane is not correct.

Q61 **Tim Loughton:** Your reasonable analysis is that there has not been a substantial shift in mindset and culture within the police since 2012, taking Jimmy Savile as the watershed moment.

**Drusilla Sharpling:** One of the things that came across during the course of the inquiry is that, victims of child sexual abuse generally felt more comfortable having a specially trained police officer and a specialised unit dealing with child protection than if it was dealt with elsewhere.

**Tim Loughton:** That does not really answer the question.

**Drusilla Sharpling:** It is difficult to answer the question when there are two separate things going on here.

Q62 **Tim Loughton:** I understand, but just giving somebody a new title to





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reflect the seriousness of this issue does not mean the mindset has changed.

**Drusilla Sharpling:** No, I did not say that. I said that, where police officers had been specifically trained and were specialists in the particular area of child protection, from the evidence that the inquiry heard and from the analysis that was done of the research and the Truth Project, victims and survivors genuinely felt that they got better treatment than those who did not go through that route.

**Tim Loughton:** It is not universal.

**Drusilla Sharpling:** No.

Q63 **Tim Loughton:** On mandatory reporting, let us do a bit of roleplay. We quite like doing that on this Committee. I am a volunteer scout leader and a 12-year-old boy scout has come to me to say he has been the victim of inappropriate touching from a 15-and-a-half-year-old girl. What do I have to do under your mandatory reporting criteria?

**Drusilla Sharpling:** Can you just repeat the ages?

**Tim Loughton:** A 12-year-old boy has potentially been sexually assaulted by a 15-and-a-half-year-old girl.

**Drusilla Sharpling:** Then it is a matter to be reported.

**Tim Loughton:** You tell me.

**Drusilla Sharpling:** The mandatory reporting requires that those in regulated activity or positions of trust report disclosures made to them about child sexual abuse from the victim or indeed the perpetrator. There are exceptions to the mandatory reporting rule.

Q64 **Tim Loughton:** This incident does not fall within those exceptions as set out in your criteria.

**Drusilla Sharpling:** The criteria mean that it should be reported.

Q65 **Tim Loughton:** To whom and by what procedure?

**Drusilla Sharpling:** The procedure will be set locally, as we understand it, because there will be different arrangements for different councils and police forces. We did not delve into the precise nature of, "I have to ring this number in order to get to that person". We said that a report should be made to the social services or to the police.

Q66 **Tim Loughton:** Hold on. Surely if I am a scout leader in Bury or Worthing or Sheffield, the reporting requirement should be no different.

**Drusilla Sharpling:** It is not. Ultimately, the report must go to the social services or to the police.

Q67 **Tim Loughton:** Why did you say that it depends on what arrangements there are?



**Drusilla Sharpling:** No, I meant that the details of the process, such as the number that you ring and the actual person that you speak to, would have to be set locally. I am not in any way suggesting that the process is different. The report has to be made to one of those two organisations.

Q68 **Tim Loughton:** As the scout leader, knowing that this boy has made some unsubstantiated claims on other matters in the past, I have absolutely no option but to formally escalate this report to a children's services department and/or the police under your criteria.

**Drusilla Sharpling:** Yes, that is right.

Q69 **Tim Loughton:** What impact do you think that is going to have on the workload of children's social services or police?

**Drusilla Sharpling:** Inevitably, the workload will be increased, but if that amounts to protecting more children who ought to be protected, that is an important and significant change that ought to be applauded.

Q70 **Tim Loughton:** I might be a very experienced volunteer scout leader who has passed all the DBS checks. I may have had training in this area in the past, and I may have safeguarding responsibilities as a teacher in my full-time job. Why do you think I am not capable or to be trusted in making a judgment decision about this incident, which I personally believe is not serious? It is out of my hands. I now have to report it and it becomes a formal complaint process.

**Drusilla Sharpling:** It is not necessarily out of that person's hands.

Q71 **Tim Loughton:** Under your criteria, it is. There is no get-out for the case I have given.

**Drusilla Sharpling:** I am sorry to interrupt; forgive me. What I am saying is that if that person in particular has something to say about this in the way that you describe, there is nothing to inhibit that or the involvement of that person in any investigation, however big or small that may be. We are not locking that person out, but we are saying that the preponderance of evidence that we heard during the course of the inquiry was in relation to people to whom disclosures were made and did nothing.

Q72 **Tim Loughton:** You have made my point. I have no option but to formalise this complaint. Regardless of what involvement I may have in the investigation of it, I have to make this a formal complaint. Therefore, I am creating a job number and a requirement on social services and/or the police. Why would I not want to report it as a volunteer scout master or social worker? Why would I not want to report and escalate a disclosure of sexual assault or sexual exploitation if, using my professional judgment, I thought there was a case to answer. Why would I not want to do that anyway?

**Professor Jay:** I would refer to the amount of evidence we have heard from and about upstanding members of the community who might be



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acting as volunteers. It could be a church organist or one of a range of things. Those reasons were given: "I can make that judgment. I know enough about child protection to do this", and then nothing happened and more children were abused. We were entirely convinced by the volume of evidence we heard on this matter. It turns out that we cannot necessarily trust everyone in that respect.

Q73 **Tim Loughton:** In which case they should not be in that job.

**Professor Jay:** That is a different matter, especially if you are a volunteer scout leader.

Q74 **Tim Loughton:** It is the same matter, because what saves a child from further exploitation, or hopefully can prevent it in the first place, is the professional judgment, training and expertise of social workers and others in regulated activities who are paid to do this job. That is what saves them, not a process, rulebook, regulation or child protection authority. It is the individual on the ground, hopefully working with other professionals and volunteers in all those activities, who makes that judgment call that this requires intervention.

That power is being undermined by making them report everything. Actually, will it not result in social workers reporting absolutely everything? They know perfectly well that there is no case to answer, but they have to report it to cover their backs. That is going to create a huge amount of extra work. That is going to mean even fewer police, and it is going to stretch social worker investigation time, to investigate all sorts of other cases as well. You are creating a huge workload, which will be counterproductive in genuinely protecting vulnerable children.

**Professor Jay:** You will not be surprised that we do not agree with that.

Q75 **Tim Loughton:** Why not?

**Professor Jay:** We are absolutely clear that the number of times and different categories of persons who claimed to have knowledge, understanding and the capacity to make the kind of assessment you are talking about, in a range of capacities that is not professional social work or anything related to that, was enormous. That is one of the reasons we thought it was absolutely necessary to go ahead with this.

Relating to the volume issue, I was very concerned about this at an earlier stage. In the inquiry, we took a lot of trouble to look at the models from across the world, and specifically to look at this very issue of the demand that might arise from it. What we learned from that was that, in most of the areas where a form of mandatory reporting was adopted, there was an initial increase that very quickly settled down. Once people got used to the system, the demand decreased. However, what increased was the volume of appropriate and justifiable interventions in child protection.

Q76 **Tim Loughton:** Which countries would you cite that have done this



where it has worked well?

**Professor Jay:** Australia, Canada and some of the American states.

**Drusilla Sharpling:** France.

Q77 **Tim Loughton:** The levels of child exploitation in those countries are rather higher than they are here, are they not, certainly in France?

**Professor Jay:** It might have been a good reason for them adopting it years ago. I am not entirely sure about New Zealand, but Australia was a particular model adopted in different ways by different states and territories, as well as Canada.

Q78 **Tim Loughton:** Australia had its own inquiry into child sexual exploitation.

**Professor Jay:** This was in place earlier than that.

Q79 **Tim Loughton:** I do not support mandatory reporting. This is not because I do not want more people to report or because there is not reporting going on at the moment. Where reporting is not happening where it should be happening, and where there is a clear, dispassionate case to report, if it is a professional person, they should not be doing that job. That is where the fault is. Do we have the right people with the right qualifications with the right resource doing this job?

It is just like turning the Working Together manual for child safeguarding into a 758-page document, where social workers were constantly looking up to see what the rulebook said on page 62 to cover their backs, rather than using their own professional judgment in what is not a science. As a social worker, you have to be a combination of forensic scientist, police officer and Poirot-type character. You are going to condemn the social services and the police force to being overwhelmed with cases, where the professional that we employ knows full well that there is not a substantive case to answer and it could be dealt with locally. You are taking away that power and undermining the professionalism of people with this requirement. That is not playing devil's advocate.

**Drusilla Sharpling:** No, I do not think we are. I come back to the basis for the recommendation in the first place, which is the weight of evidence that we heard. Throughout the course of our investigations, we heard from many people whose cases were not nuanced. There was not a difficulty in understanding what had happened, but they made their disclosures to a person in authority who would have been covered by our rules, as it were, and nothing happened. There was no report and no investigation done, and they were left in the same place to carry on being abused by the perpetrator.

Can I mention one other matter that may be relevant? Many reporters found it difficult: "I cannot believe this person would do such a thing", or "I cannot believe that X or Y behaved in this way", or "Surely not. This person is a respectable person who could not possibly have done the



things that you say they have done". Having a mandatory reporting law requires them to report, so some of that challenging discussion they might have internally is taken away from them so they can make the decision almost instantly: "Whatever I think about that person, I know I have to report it in any event, because it is the law".

**Q80 Tim Loughton:** What the revelations of the last 10 or 12 years have shown—and what your own work has certainly shown—is that child sexual exploitation can happen at any time, in any place, anywhere, by anyone, and that we should not make those assumptions. That is part of an ongoing public education campaign, part of which is another of your recommendations, which I agree with.

The scouts are a good example of volunteers who were, to an extent, deterred. The biggest brake on the expansion in the scout movement in this country at the moment is the shortage of scout leaders coming forward. They have been deterred by all the vetting, barring and requirements, which again needed to be revisited. Who would want to go and volunteer to give their goodwill and time to help kids, when the Spanish Inquisition comes down on you before you even start? Now you are going to be put in this position of not even being able to use your own judgment.

The roleplay I used is completely credible in terms of the recommendations you have made where there are get-outs. I have absolutely no way to use my value judgment when I know somebody is complaining vexatiously, and there is an incentive for vexatious complaints to social workers because of the compensation schemes that you are coming up with as well. You have taken away my professionalism. Do you not think that you are also going to deter volunteers from coming forward in vital areas working with children where we need more of them?

**Drusilla Sharpling:** Fairly obviously not because our report says the opposite. There is a great risk of using the potential vexatious person in making a report, and highlighting and exaggerating the effect of that against the welter of children and adults, who might make reports perfectly legitimately, who need to be protected. By separating them out and using the vexatious litigant, if I can put it like that, as a reason not to do something suggests that the others, who definitely need something to be done, would be let down.

I come back to the point we have made again and again. We have heard from hundreds of people during the course of the inquiry, and the welter and weight of evidence is very much in favour of mandatory reporting. To be fair, other views were expressed during the course of the inquiry, but we had to have a public interest debate, and the public interest—we decided at the end of the day after considering all the things that you have just said—came down very firmly in favour of mandatory reporting. Of course, we have the same concerns that you have expressed, Mr Loughton, but we have to take the Olympian view of what we heard



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during the course of the inquiry, and that was very much in favour of mandatory reporting.

**Q81 Tim Loughton:** I understand that. Certainly, I am not claiming that vexatious reporting is a substantial part of what you have dealt with. Vexatious complainants are unlikely to have given evidence to your committee anyway. We have seen that the vast majority of cases you have dealt with are absolutely genuine, and it is really important because we do not want to deter people from coming forward. That was the whole point of your inquiry and all the work that has been going on in Parliament.

The professional bodies, who are the ones to lose most, have serious concerns about this, and I share those concerns amongst professional social workers. I feel it undermines their professionalism.

Can I make one last point? Going back to the child protection authority, the Government have not accepted that recommendation; it is highly questionable as to whether they will. The trouble is that your ongoing scrutiny work largely relies on the child protection authority as the body to oversee that. If the child protection authority does not happen, then is there a danger that your very extensive report and ongoing recommendations will lie on the shelf and gather dust? Is there a plan B if the CPA is not the method of taking forward this work?

**Professor Jay:** We already have the commitment and, in many cases, progress being made on implementation of 80% of the recommendations we made prior to the final report.

**Q82 Tim Loughton:** The Government have accepted a good number of them so far. They have rejected a smaller number so far and they are still considering another number, but there is no guarantee then of implementation. Part of the child protection authority's role will be to oversee the progress of the Government of the day in actually implementing it in a meaningful and valuable way, rather than just signing up to it and ticking boxes without really doing what you require it to do. Who is going to oversee that if you do not get the child protection authority, as I think and hope you will not?

**Professor Jay:** You raise an important but different point here about the limitations of public inquiries in relation to implementation.

**Q83 Tim Loughton:** Yes, I do. What is the answer? Your answer is the CPA.

**Professor Jay:** Implementation is one area that we have no powers over. Perhaps that is an issue for Government to consider, as I believe has been raised in the past.

**Q84 Tim Loughton:** Do you think the Children's Commissioner should have a role here?

**Professor Jay:** Not particularly, no.

**Q85 Tim Loughton:** Why not? What is wrong with the Children's



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Commissioner?

**Professor Jay:** I believe that the Children's Commissioner has a distinctive function that we know about in raising awareness of matters in the public domain. That is very different from being directly and operationally involved.

Q86 **Tim Loughton:** Why not make recommendations about beefing up the role of the Children's Commissioner?

**Professor Jay:** We did not think it was appropriate.

Q87 **Tim Loughton:** Why not?

**Professor Jay:** Because, as I have just said, the Children's Commissioner has a very distinctive range of responsibilities that does not include operational ones.

Q88 **Tim Loughton:** But it could, and there are other cases of other Children's Commissioners where it does. You have underplayed the potential role of the Children's Commissioner. There are some of us who would like to see the Children's Commissioner role beefed up to cover some of these areas of oversight that you are planning on the CPA having. If that is not there, would you accept, as a fallback, that the Children's Commissioner may have its powers extended and could fulfil that role?

**Professor Jay:** There is an important issue here about the implementation of any public inquiry's recommendations.

Q89 **Chair:** On that point, do you think that the Home Affairs Select Committee should have a role in overseeing the recommendations that you make? Would that be something you would consider?

**Professor Jay:** I certainly think that there is a role for Select Committees to consider that. This is a complex issue, and I am sure you have had lots of discussions about public inquiries, their nature and how they are undertaken and concluded. Again, it is not within our remit to cover this aspect.

Q90 **Chair:** What do you think?

**Professor Jay:** If you want an opinion, there are many benefits of the way we have conducted this public inquiry that are not necessarily present in all of them, but there is a yawning gap over implementation and oversight of that.

Q91 **Chair:** You think Select Committees could be a way of providing that oversight.

**Drusilla Sharpling:** They could be, yes, in terms of priority and focus.

Q92 **Miriam Cates:** Of course, we all want more children to be believed when they are reporting. I accept the discussions on both sides about mandatory reporting, but the ideal is that the abuse does not happen in



the first place. You have looked very carefully into institutional abuse, but the biggest category of children being abused in your report was girls in a domestic environment. That was 48% of the victims. Do those domestic environments, families and households have anything in common, or was it completely spread across all demographics, geographies and family structures?

**Drusilla Sharpling:** Because our terms of reference did not permit it, we did not look specifically at family incidents. That is not to say that they were not relevant to the inquiry, because they may have touched on an institution's behaviour or reaction in relation to a disclosure about child sexual abuse.

Q93 **Miriam Cates:** You were not looking into the actual families.

**Drusilla Sharpling:** We were not looking into the actual families. We were prohibited from doing so by our terms of reference.

**Professor Jay:** It only applied where we found instances where a child told someone in an institution, like a teacher, social worker or nurse, about it. It then would have been admissible within our terms of reference.

Q94 **James Daly:** I am not wont to disagree with Mr Loughton, but I am going to disagree with him here in respect of this. The picture that is created and the realistic picture here is that people do not care. In general, victims in this field—this is obviously not everyone—are treated in a shabby, tardy nature. At every stage of the process there are blocks as to believing them and wanting to take forward these allegations.

When I look at what mandatory reporting is, it is that there should be a statutory duty for somebody to report child sexual abuse if they receive a disclosure of child sexual abuse, from a child or perpetrator, or witness a child being sexually abused. I will come to the third one in a second. It is my view that people are not doing that now. Statutorily, we may have to force them to do it to actually live up to the responsibility, because we cannot afford for alleged professionals not to carry out their duties.

Would you agree, Professor Jay, that what we have seen over many years is that, if you allow professionals to use their discretion, we do not get these allegations taken seriously? There has to be something to back that up and to say, "You have to do this". I come back to this point. These are allegations of criminal behaviour. It is not for professionals or anybody else to make that decision. It is for a court to make that decision.

I therefore support mandatory reporting, but I do have some concerns about observed recognised indicators of child sexual abuse. I have concerns about that in terms of what Mr Loughton was saying. I just wondered if, in trying to support the recommendation, you could just comment on the dangers of observed recognised indicators of child sexual abuse, because I would argue that that could potentially lead to some difficulties.





**Professor Jay:** Yes, it could indeed, except that we have said that these are accepted observed indicators. As far as I am aware, nearly every health authority now has on their website 10 or 12 of those specifically listed in relation to both child sexual abuse and child sexual exploitation. We itemised those in the report. The definition of an accepted indicator would have to be very firm and clinical. That is really the best we can say about that.

Q95 **James Daly:** I appreciate the point you are making but that is rather woolly; please take that in a positive spirit. In respect of recommendations that should come in front of us, it is either "You do this", or "You do not do this", or "The recommendations are there".

**Professor Jay:** Accepted lists of indicators are commonplace, actually.

Q96 **James Daly:** I understand that, but they are not here. Are they in the report?

**Professor Jay:** Yes, and there are examples of them in the final report.

Q97 **James Daly:** What you are recommending is that, if a professional sees any of those, they should mandatorily report a potential allegation.

**Drusilla Sharpling:** Mandatory reporting is really important and recognising the signs of it is very important, but there is nothing to stop a professional reporting a concern that falls outside the mandatory reporting requirements. It is not to say it is the be-all and end-all of every report that is going to be made, because there may be occasions when a professional feels, for a whole raft of reasons, that they are going to report something. What we have done in mandatory reporting is take, from the evidence that we have had in the inquiry, the most egregious examples of failures to report.

Q98 **James Daly:** I appreciate that point. My final point is that at every step of the way, every organisation that is involved in the protection of children has failed for the last 20 to 30 years. There is obviously good practice somewhere, but in general it has failed. We can give powers to somebody called the Children's Commissioner or anything else such as that, but the people who have been in place to protect the interests of children being abused have utterly failed.

What is it that the child protection authority is suddenly going to do? A lot of what you are asking for in terms of mandatory reporting is legislative and statutory. What is it that it actually exists to do? If you are telling me that it is going to ensure that more children are protected and more professionals are going to behave in the way that they should be behaving, taking account of the very worrying circumstances that you outline in your report, then that is a good thing. What is the point of it?

**Drusilla Sharpling:** We have said on a number of occasions that the child protection authority probably has a number of roles. The first one is quite difficult to translate entirely into rules and regulations, and that is the culture to ensure that child protection is given the priority and the



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focus that, as you have identified, has been lacking in the past. It gives the sense of leadership to child protection that has not hitherto been the case at a national and international level, for that matter.

We have found throughout the course of the inquiry that new, well-meaning and good initiatives are put in place to stop child sexual abuse but, as other priorities and difficulties for a particular agency emerge, the issue of child sexual abuse is not a priority anymore. What we are hoping for culturally from the child protection authority is to keep that spotlight firmly on child protection and child sexual abuse, which has not hitherto been the case.

Q99 **James Daly:** They would not be able to impact police investigations or the Crown Prosecution Service, or involve themselves in any of those processes.

**Drusilla Sharpling:** They could not act, as it were, as an appeal court for those making decisions, but they do have a very key role in practice and good standards.

Q100 **James Daly:** In essence, Mr Loughton is right in the sense that the Children's Commissioner could carry out that role with a redefined mandate.

**Drusilla Sharpling:** You could potentially say that of any individual organisation. Culturally, we think it is better to have an entirely separate organisation that can draw from the experiences of this inquiry and others as well, to have that overview, oversight and political heft that has not always been the case hitherto.

Q101 **Chair:** I just want to ask a couple of questions. One is about the management of the inquiry. I wanted to ask Mr O'Brien about how many times you had to report to the Permanent Secretary at the Home Office about overspends.

**John O'Brien:** I did not, because we managed our budget so that we did not overspend.

Q102 **Chair:** There were no overspends at all during the seven years.

**John O'Brien:** There were no overspends. In 2014 and 2015, as you know, it was a non-statutory inquiry. I do not have the figures for that because that was funded directly from the Home Office. In all subsequent years, we lived within the budget that we bid for, and in many years we gave money back.

**Chair:** Goodness. That is good to know.

**James Daly:** That is a first.

**Chair:** It is, actually, on a public inquiry.

**Tim Loughton:** It still cost £187 million.



Q103 **Chair:** Yes, of course. As Mr Loughton is saying, it did cost £187 million. Can I just ask a general question as well about the institutions that have been most reluctant to implement your recommendations? Could you just name those? I think you said at the start that you have made 87 recommendations, and 20 in your final report, and you have said 80% have been accepted. Which institutions are not accepting your recommendations?

**Professor Jay:** We have done a bit of further analysis on that, which we can obviously give you if you wish, since we were aware that this was an area that you were interested in. In terms of the state Departments and the non-state, and the distinction between the two, we have this broken down according to each, such as the Home Office, the MoJ, the Welsh Government, local government, religious organisations and others in relation to this analysis.

Q104 **Chair:** Who is not accepting your recommendations and implementing them?

**John O'Brien:** Just to give some examples, MoJ has rejected five; the Home Office has rejected four.

Q105 **Chair:** Are you able to say how many that is out of?

**John O'Brien:** The Home Office has accepted and implemented six, accepted with implementation underway one, and rejected four. Out of a total of 11, it has rejected four. For the MoJ, the total number is 17, of which it has rejected five. For the Department for Education, the total number given was 12, of which it has rejected two. That is rejections.

In terms of accepted but we are not aware of any action yet, the Home Office had none in that category, MoJ has two, and the Department for Education has three. We have a full analysis that deals with many more, but those are some examples. We will happily provide the full analysis in writing if you want us to do that.

Q106 **Chair:** Yes. In terms of the other institutions that are not state institutions, is the acceptance and implementation higher?

**John O'Brien:** I do not have the full breakdown of that in front of me. I have a generic breakdown for "other": accepted and implemented, eight; accepted but we are unaware of any action, one; rejected, one. That is from a total of 10. We will have the breakdown behind that. I just do not have it in front of me.

Q107 **Chair:** We would be particularly interested in the churches. I was looking through the number of recommendations that were being made to the Roman Catholic Church and the Church of England. It would be particularly interesting to see the implementation of those recommendations.

**John O'Brien:** If it is acceptable to you, we will write after this session and give you the breakdown of those figures.



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**Chair:** Yes, that would be very helpful. On that point, can I thank all three of you for your evidence this morning to the Home Affairs Select Committee? We have had some robust questioning, but we are very grateful indeed for you attending. You raise a very important point about what happens next to all your work over seven years and to the implementation of those recommendations. Who is going to follow through and make sure things actually happen? You have raised a very important point for Select Committees of the House to consider. I certainly take the view that, going forward, we have a role to play in looking at what is actually happening in terms of those recommendations. Thank you very much for your appearance this morning before us.