

# Could, should and would, but no must: a case for the introduction of mandatory reporting of child sexual abuse in institutional settings in England, Scotland and Wales

A report by Siobhan Pyburn MSc  
October 2017.

## Introduction

Despite a plethora of child protection policies, best practice and oxymoronic 'statutory guidance', there is currently no legal duty to report known or suspected child abuse in England, Scotland or Wales (HM Government 2016). The distinction between a legal duty and a policy-driven expectation is crucial when it comes to the issue of mandatory reporting. A heated debate is currently underway in the UK, where the government is considering the prospect of introducing mandatory reporting legislation which would sanction certain groups of people under the law for failing to report suspected child abuse. The outcome of this consultation is now more than a year overdue.

According to Daro (2006), some form of mandatory reporting is present in over 80% of developed nations, though this is not necessarily with the interests of children in mind. For example, in Northern Ireland, it is an offence to fail to report any indictable offence under section 5(1) of the Criminal Law Act 1967, which was amended by the Serious Organised Crime and Police Act (2005). For this reason, it is technically inaccurate to state that there is no mandatory reporting for child abuse anywhere in the UK. Northern Ireland is the exception, even though it is so with a view to addressing terrorism rather than child maltreatment.

This report will evaluate international safeguarding law and explore the ethical concepts underpinning human rights laws as they apply to children. It will also evaluate how mandatory reporting can fit into a robust safeguarding model, by looking at how mandatory reporting is utilised in existing frameworks in other countries. For the purposes of this report the form of mandatory reporting that will be advocated for is that proposed by the pressure group Mandate Now (2016), in their submission to the government consultation. In short, this calls for staff working in institutional settings (such as schools, hospitals, churches etc) to have a legal duty to report suspected child abuse to a local authority, as opposed to relying on the 'general duty' to act 'in the best interests' of children enshrined in the Children Act 1989. In England, Scotland and Wales, the decision to disclose suspected or known abuse remains discretionary, with no sanctions for failing to report even where doing so may have prevented further abuse of the child. The exception to this is female genital mutilation (FGM), which there is a legal duty to report as introduced into the Female Genital Mutilation Act 2003 via the Serious Crime Act 2015.

## How effective is existing international safeguarding law?

The most widely ratified treaty in the world is the United Nations Convention of the Rights of the Child (1989), hereafter referred to as the UNCRC, which sets out the range of every child's rights such as economic, social, political and health (NSPCC 2017). However, the Convention is difficult to fully realise in all the signatory nations, particularly in the developing world: India declared that 'certain of the rights of child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources,' as recorded on the United Nations Treaty Collection (2017) database. This is a recognition that the aims of the Convention are aspirational rather than prescriptive.

The EU provides both legislative and non-legislative measures in the interests of protecting children which, whilst adopted in a piecemeal fashion by member states, have improved the effectiveness of member states in responding to incidences of abuse and exploitation. In particular, measures taken have addressed cross-border crimes such as child trafficking, which could be seen as an unintended consequence of EU expansion and free movement of persons. Child protection legislation often takes the form of Directives, which are subject to national interpretation. A European Union Committee (2016) report describes this flexibility of interpretation as causing 'a lack of robust enforcement of existing standards, leading to ineffective, inconsistent and fragmented implementation by Member States.' However, the EU has focussed on remedying this problem by developing an integrated approach to safeguarding in recent years (European Commission 2016), and its influence goes beyond legislation.

The EU has introduced a range of non-legislative measures to help combat crime. Europol was set up to tackle transnational crime and facilitate cooperation between Member States. It includes the European Cybercrime Centre, which produces risk assessments for online child sexual exploitation (Stalford 2017). Since 2012 there is also a European Criminal Records Information System, which enables information-sharing between states and prevents the possibility of offenders moving cross-country in order to avoid prosecution. The EU has also invested considerable financial resources into child protection initiatives such as the Daphne Programme, which supports NGOs and develops support programmes for child victims. There are further measures including a Missing Children Hotline and a framework for safer mobile use by teenagers and children.

As it relates to child sexual abuse, Directive 2011/92/EU (2011) introduced a range of preventative strategies including regular training for professionals who work with children and the treatment of offenders to reduce reoffending. The Directive also aims to make the justice system more child-friendly with measures including free access to legal representation and preventing children being prosecuted for crimes carried out as a result of their victimisation. It is inspired by the Lanzarote Convention (Council of Europe 2012) and adapts other guidelines such as General Comment No.13 (UNCRC 2011). Stalford (2017) explains the benefit of these repetitions as being 'probably the best means of advancing compliance by the UK with these international instruments which, otherwise, have limited enforceability.' She posits that the EU has made a 'distinctive, global contribution' to child protection and that the UK theoretically stands to lose these benefits upon leaving the EU, though a more detailed analysis is needed before reaching that conclusion.

The European Court of Human Rights (ECtHR) hears cases of alleged failures by Member States to adequately protect children. It draws legal authority from Article 3 of the European Convention on Human Rights (ECHR), which states that 'no one shall be subjected to torture or to inhuman or degrading treatment or punishment.' Sexual abuse was included in this remit following the case of *E and Others v. the United Kingdom* (2002). In that case, the court held that there had been a breach of Article 3 due to 'the pattern of lack of investigation, communication and co-operation by the relevant authorities.' The test for a breach was established as being based on 'a failure to take reasonably available measures which could have had a real prospect of altering the outcome or mitigating the harm is sufficient to engage the responsibility of the State.' The later case of *E.S. and Others v. Slovakia* (2009) expanded this liability to include procedural failures instead of just individual social workers.

The ECHR might have provided an avenue for claimants to bring a case against the state where it can be shown that institutional staff knew about abuse but failed to act due to the absence of a legal duty to do so in UK law (excepting Northern Ireland), and that this omission amounts to a procedural failure. But there are two problems: firstly that, as a result of Brexit, witnesses in the UK may lose that avenue of appeal in the near future (McKelvie 2017); and secondly, and more to the point of this essay...

None of the international safeguarding legislation mandates the reporting of known or suspected child abuse by a professional or the wider public. Article 19 of the UNCRC obliges signatories to take 'protective measures' to include 'identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment.' Meanwhile, Article 16 of Directive 2011/92/EU mentions reporting only insofar as to ensure that the usual confidentiality rules imposed on professionals do not obstruct the reporting of a crime, and that persons are 'encouraged' to report to the competent authorities. The exact nature of this encouragement, or any sanctions for failing to adhere to these guidelines, are not specified. In practice, this can mean whatever the Member States interpret it to mean, and is therefore an international macrocosm of the effect taking place domestically within the UK, where professionals are unsure of their specific responsibilities in relation to reporting, the guidance is discretionary and vital information is often lost in translation (see below).

## Legal and ethical concepts in Human Rights as they apply to children

The Universal Declaration of Human Rights (UDHR) is not a formal legal agreement between states, but is considered a document of 'customary international law' (Weller 2016). It establishes these rights universally on the basis of one being born human. However, its suitability for universal application has been disputed, with Ignatieff (2001) questioning whether this amounts to 'just another cunning exercise in Western moral imperialism'. The delegation of Saudi Arabia took particular issue with the articles on freedom of religion and the right to marry, which has implications for those children who are trafficked within the context of forced marriage. Although the UDHR was drafted by international representatives, criticism such as this serves to highlight 'how complicated intercultural dialogue on rights questions become when all cultures participate as equals.' Other objections to the concept of universal human rights 'often stem from overlooking the distinction between human rights law and human rights themselves (Peichowiak 1999).' The law doesn't 'give' a person their human rights; it guarantees their protection. This idea challenges the earlier 'positivistic approach, where the extent of a person's rights and freedoms depended on who they were instead of being existentially inherent.

The ECHR is an international treaty, which distinguishes it from the UDHR. The duty to uphold the rights and freedoms set out in the Convention are binding on signatories, making the ECHR a source of law rather than a list of non-binding standards. The distinction between binding and non-binding documents is as crucial for human rights generally as it is for the issue of mandatory reporting specifically, as cases can only be heard where there has been an alleged breach of law, not an alleged breach of theoretical standards.

Alleged breaches of human rights laws which may not have been handled satisfactorily 'inhouse' by the state are heard before the ECtHR, as was the case in *Söderman v Sweden*

(2013). In that case, a 14-year-old girl who discovered that her stepfather had been filming her undressing in the bathroom brought a claim for damages in compensation as well as criminal proceedings. The stepfather was found not guilty, in part because it was not an offense to film someone without their permission regardless of the motivation in Sweden, and so no compensation was awarded. However, the ECtHR found that Sweden was in breach of article 8 of the Convention, the right to private and family life, by providing no legal remedy. In its judgement, the Court stated that it 'is not satisfied that the relevant Swedish law... ensured protection of her right to respect for private life (Grand Chamber Judgement 2013).'

This case demonstrates the application of international human rights laws as they apply to child protection. Had this case occurred in the UK, it is likely that the judge would have had some flexibility by applying the English common law system, whereas in Sweden there is a more fixed dependence on Parliamentary law. The Convention also obliges states to conduct investigations into incidences of abuse.

## Ethical concepts in safeguarding

When making decisions which affect children, practitioners must take into account a range of ethical perspectives which can conflict with each other. Beauchamp and Childress (2013) outlined the four ethical principles of respect for autonomy, beneficence, non-maleficence and justice when making clinical decisions. The principle of respect for autonomy, where a child is informed and enabled to make their own decisions (as in child-centred care) can conflict with the principle of beneficence, which can take many forms, including preventative measures. For example, a child might not want the practitioner to report their abuse out of fear of perceived negative consequences. In this case, the practitioner might take on what Pellegrino and Thomasma (1987) refer to as 'the traditional model of the benign, paternalistic physician, who assumes full responsibility and authority to determine the patient's best interests and to act so as to advance those interests - if need be, without the patient's participation.' Given the potential health ramifications for children who have been abused, and given that abuse may well be first disclosed to a healthcare professional, the application of medical ethics seems relevant. However, the primacy of beneficence has been contested by Munyaradzi (2012) arguing that 'we must balance the demands of these principles by determining which carries more weight in the particular case', and that beneficence is a 'prima facie moral obligation' to be overridden when necessary.

The other principles can also conflict with each other. The safeguarding practitioner who receives a disclosure of abuse from a child may want to pursue justice on behalf of the child, by reporting the abuse which may lead to criminal proceedings for the alleged offender. This could cause harm to the child, who might find the investigation process re-traumatising, and so be in conflict with the principle of non-maleficence or 'not causing harm'. Through a disclosure, a breach of law becomes apparent and so obliges the practitioner, from a justice perspective, to respect the law by not omitting a known breach. Failing to report could also be seen as a breach of non-maleficence, since harm will come to the child if abuse is allowed to continue. Does reporting abuse against the will of the child represent the greatest harm, or is it enabling the abuse to continue? There is also the possibility of other children to be harmed by the same person, and so a societal view of a 'bigger picture' must be taken into account. A problem with these ethical principles is that there is no unifying strand, nor a procedure which considers each but results in arrival at a clear decision. This means that the principles are

abstract and rely on a person's ability to weigh up different factors on a case by case basis. Here, mandatory reporting legislation would serve to make professionals' responsibilities clear and so diffuse some of the confusion over what to do when a child discloses abuse.

## Mandatory reporting in other countries

Every Australian state now has some form of mandatory reporting legislation, though there are differences such as which groups of people are obliged to report and the 'state of mind' that a person must have before the duty becomes active (AIFS 2017). For a time, not every state utilised mandatory reporting whilst others did, making Australia the focus of comparative research into two primary questions: does mandatory reporting increase the number of reports of child abuse made to a local authority, and does it increase the number of *substantiated* reports? Mathews (2014) conducted a cross-jurisdictional analysis between the Australian state of Victoria, which has mandatory reporting, and Ireland which, at the time, did not. The two jurisdictions were comparable due to their similar population numbers of children and both being industrialised first world nations with well-funded institutions, including compulsory education and accessible healthcare. He found that in the year 2010, nearly double the number of reports were made for child sexual abuse in Victoria than in Ireland, and *4.5 times as many substantiated reports*. Therefore, the proportion of identified children who were being abused (as opposed to false alarms) by far surpassed the proportion of increased reporting as a whole. Ireland has since incorporated mandatory reporting legislation into its Children First Act (McGee 2017), taking effect from December 2017.

In case there is any doubt over whether this proportional increase in substantiated reporting is due to the mandatory legal duty to report, as opposed to being caused by some other demographic or legal characteristic present in Victoria but not in Ireland, Mathews et al (2016) also conducted a longitudinal study across seven years in the state of Western Australia, both before and after it introduced mandatory reporting from 2009 onwards, via the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008. This provided a more direct comparison by isolating the difference caused by the new legislation. It was found, again, that the increase in substantiated reporting more than doubled after the introduction of mandatory reporting by specified groups of professionals (those who come into regular contact with children as part of their role) and was proportionately higher than the increase in all reporting. Besides, Kohl et al (2009) argues that 'it is time to leave substantiation behind', since abuse is present in 'many' situations where there is not enough evidence to meet the threshold in order to qualify as being 'substantiated'... but nevertheless 'provide opportunities for earlier intervention.' They also found that support services are provided more often to cases where the reports are unsubstantiated, than those that *do* meet the threshold. Therefore, non-substantiation does not mean that abuse didn't take place, only that there is not sufficient evidence. This is owing to the complex and hidden nature of child sexual abuse which often leaves no physical evidence.

Every state in the USA has statutory mandatory reporting, though again there are different requirements. The main difference is whether all citizens are required to report suspicions, or only specified groups of professionals. It is posited here that England, Scotland and Wales should introduce the latter kind. In most US states, the offence of failing to report would be classed as a misdemeanour, resulting in a penalty fine or a custodial sentence of up to one year. In Florida, a failure to report is a felony with a possible prison sentence of up to five

years. Physicians are a group of professionals more likely to face imprisonment for falling short of their reporting duties. For other groups, criminal sanctions are rare (Giardino and Giardino 2002). However, the legal duty to report child abuse reaches all sections of American society, and employers can be held vicariously liable for failing to report on behalf of an employee whom they suspect: in *Martinelli v Bridgeport Roman Catholic Diocese Corporation* (1998), the court stated that there 'is little dispute that the Diocese intended to conceal Father Brett's misconduct,' and that a fiduciary duty was therefore owed by the Diocese to Martinelli, a victim of 'historic' child sexual abuse, to disclose the defendant's actions. This case contributed to the introduction of mandatory reporting in Ireland, with O'Reilly and Eichman (2014) arguing that 'the impact of abuse reporting laws on the clergy sexual abuse cases in the American courts are worth reviewing, as Ireland deals with the sad legacy of its own clergy sexual abuse cases.'

## Arguments against introducing mandatory reporting in the UK

The arguments against mandatory reporting, as summarised by the NSPCC (2014), can be summarised even further into three main objections and addressed in turn:

### **1. There is a danger of over-reporting, with an increase in unsubstantiated reports and 'no academic consensus' (HM Government 2016) on what the impact would be on child safety.**

NSPCC, Wallace & Bunting (2007) stated that there is 'little empirical evidence' on mandatory reporting, and that it is not present in many countries. However, their assertion is based on a 'search strategy' (such as Google!) which omitted articles published before 1995 and does not acknowledge the earlier work by Daro (2006) which, as we have seen, found that over 80% of nations do have some form of mandatory reporting. Instead, this review states that 'few countries appear to have mandatory reporting laws covering child abuse. The USA, Australia and Canada are the main countries that pursue this as an approach, although a range of other countries including Argentina, Sweden, Denmark, Finland, Israel, Kyrgyzstan, the Republic of Korea, Rwanda, Spain and Sri Lanka have been identified as adopting some form of mandatory reporting legislation.' That's a confusing start. The review takes a stance against mandatory reporting, even suggesting that the legislation in Northern Ireland should be repealed. A lack of evidence should mean that no conclusion can be drawn either way; otherwise, positing either for or against seems arbitrary. As we've already seen, mandatory reporting does in fact increase substantiated reporting as a greater proportion of the overall increase in all reporting, at least in Australia and the US, which means more professionals intervening earlier in abuse cases than they otherwise would have.

### **2. Our current framework of inter-agency communication and reporting at professionals' discretion is enough; we don't need mandatory reporting.**

Despite the NSPCC's (2014) assertion that the current law (and levels of reporting) are adequate, they have run several campaigns with the aim of increasing reporting rates, whether by professionals or victims, such as the 'Now I know' and 'PANTS' campaigns. Following the uncovered sex abuse in Rotherham, the Jay Report (2014) documented the ordeals of well over 1000 children, with a concluding statement of 'no one could say "we didn't know."' Time and again, we see from Serious Case Reviews (SCR's) that members of staff were either aware of abuse or had suspicions but chose not to report, meaning that

cases could only be investigated at a later stage. For example, the SCR in the case of Hillside First School found that 'colleagues advised Teacher A of the inappropriateness of his behaviour and pointed to the risk that he could be accused of professional misconduct. It is significant however that only 11 of the 30 recorded incidents were reported to the school (NSSCB 2012).' Meanwhile, the HMIC (2013) review of the Jimmy Savile case recommended that 'a requirement to report concerns... should be introduced on those who, in their professional lives, are made aware... that a child may be the subject of abuse.' This was after it came to light that staff within the BBC had suspicions that went unreported and, therefore, were not investigated until decades later. The bottom line? Professionals or institutions *do* sometimes prioritise organisational reputation or other factors over the safety of children, and the current framework enables them to do so.

### **3. The increase in reporting caused by mandatory reporting would overburden our child protection agencies and divert resources away from already deserving cases (AKA it costs too much).**

Despite this line of argument being tangential (concerning resourcing of services rather than whether mandatory reporting is a component of a functioning child protection framework or not), it has been cited by opponents of mandatory reporting such as Melton (2004), who blames mandatory reporting for a 'misdirection of resources' in the US. However, in response to this assertion, Drake et al (2007) found that the bigger picture of associated costs for children who are sexually abused (which can include anything from foster care to mental health provision, criminal justice and costs to society from resulting unemployment or suicide) by far outweigh the cost of investigation. Mathews (2008) therefore concluded that 'the economic and social justice advantages of mandated reporting far outweigh any disadvantages.'

### **Conclusion: But what about a duty to act?**

We've seen that not only does mandatory reporting cause a considerable increase in substantiated reporting of child sexual abuse, it also saves money by preventing costs that could otherwise occur. The NSPCC is a large institutional obstacle to the efforts to put mandatory reporting on the government agenda, though they have recently adapted their position to 'where professionals cover up crimes against children by consciously failing to report known abuse of a child this should be an offence (NSPCC 2018).' Deliberately covering up or concealing a crime is already an offence by accessory. Simply not saying anything, when you could have said something, is not the same as concealing a crime and so this 'new' position doesn't really mean anything. Whilst we await the outcome of the overdue government consultation, it is not yet known whether reporting child sexual abuse will become a legal obligation or the suggested alternative of a 'duty to act.' Naturally, the NSPCC supports the latter. The problem with this alternative is that it amounts to more guidance, more 'shoulds' which remain at the discretion of the professional. As we've seen, leaving matters to the discretion of professionals can mean compromising children's safety. Whilst mandatory reporting won't solve every aspect of safeguarding, it will clarify responsibilities and back them up with real, tangible accountability. Until then, despite notions of having 'learned the lessons' from previous cases, it remains difficult to identify what has changed from an objective point of view.

## REFERENCE LIST

- Australian Institute of Family Studies (AIFS). (2017). *Mandatory reporting of child abuse and neglect*. Retrieved from <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>
- Beauchamp T and Childress J.(2013). *Principles of biomedical ethics 7th edition*. New York: Oxford University Press.
- Council of Europe. (2012). *Convention on the protection of children against sexual exploitation and sexual abuse*. Retrieved from [https://www.coe.int/t/dg3/children/1in5/Source/Lanzarote%20Convention\\_EN.pdf](https://www.coe.int/t/dg3/children/1in5/Source/Lanzarote%20Convention_EN.pdf)
- Daro, D. (2006). *World perspectives on child abuse: 7<sup>th</sup> edition*. Chicago, Illinois: International Society for the Prevention of Child Abuse and Neglect.
- Directive 2011/92/EU. (2011). On combating the sexual abuse and sexual exploitation of children and child pornography. Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0093&from=EN>
- Drake, B., and Jonson-Reid, M. (2007). *A response to Melton based on the best available data*. Child Abuse and Neglect 31: 343–60
- E and Others v. the United Kingdom. (2002). ECHR 763.
- E.S. and Others v. Slovakia. (2009). ECHR 32881/04.
- European Commission. (2016). *Communication on the state of play of Implementation of the Priority Actions under the European Agenda on Migration*. Retrieved from [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing\\_the\\_refugee\\_crisis\\_state\\_of\\_play\\_20160210\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing_the_refugee_crisis_state_of_play_20160210_en.pdf)
- European Union Committee. (2016). Children in crisis: Unaccompanied migrant children in the EU. House of Lords. Retrieved from <https://publications.parliament.uk/pa/ld201617/ldselect/ldeucom/34/34.pdf>
- Giardino, A., and Giardino, E. (2002). *Recognition of child abuse for the mandated reporter*. St. Louis, Wisconsin: GW Medical Publishing Inc.
- Grand Chamber Judgement. (2013). *Söderman v Sweden*. 5786/08 [2013] ECHR 1128.
- Her Majesty's Inspectorate of Constabulary (HMIC). *Mistakes were made: HMIC's review into allegations and intelligence material concerning Jimmy Savile between 1964 and 2012*. Retrieved from <https://www.justiceinspectors.gov.uk/hmicfrs/media/review-into-allegations-and-intelligence-material-concerning-jimmy-savile.pdf>
- HM Government. (2016). *Reporting and acting on child abuse and neglect*. Retrieved from

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/539641/Reporting\\_and\\_acting\\_on\\_child\\_abuse\\_and\\_neglect\\_-\\_consultation\\_document\\_\\_print\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539641/Reporting_and_acting_on_child_abuse_and_neglect_-_consultation_document__print_.pdf)

Ignatieff, M. (2001). *The attack on human rights*. Foreign Affairs. Vol 80, No. 6. Retrieved from <http://www.michaelignatieff.ca/assets/pdfs/TheAttack.pdf>

Jay, A. (2014). *Independent inquiry into child sexual exploitation in Rotherham 1997-2013*. Rotherham Metropolitan Borough Council. Retrieved from [http://www.rotherham.gov.uk/downloads/file/1407/independent\\_inquiry\\_cse\\_in\\_rotherham](http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham)

Kohl, P., Jonson-Reid, M., and Drake, B. (2009). *Time to leave substantiation behind: Findings from a national probability study*. *Child Maltreatment*, 14, 17–26.

Mandate Now. (2016). *Submission from Mandate Now to the open consultation: Reporting and acting on child abuse and neglect*. Retrieved from <http://mandatenow.org.uk/mandate-now-submission-to-consultation-reporting-and-acting-on-child-abuse-and-neglect/>

Martinelli v Bridgeport Roman Catholic Diocese Corporation. (1998). 10 F. Supp. 2d 138 (D. Connecticut.)

Mathews, B. (2008). *Mandated reporting is still a policy with reason: Empirical evidence and philosophical grounds*. *Child Abuse and Neglect* 32(5).

Mathews, B. (2014). *Mandatory reporting laws and identification of child abuse and neglect: Consideration of differential maltreatment types, and a cross-jurisdictional analysis of child sexual abuse reports*. *Journal of Social Science* 2014(3) p460-482.

Mathews, B., Lee, X., Norman, R. (2016). *Impact of a new mandatory reporting law on reporting and identification of child sexual abuse: A seven year time trend analysis*. *Child Abuse and Neglect* 56 p62-79

McGee, H. (2017). *Mandatory reporting of suspected child abuse on way this year*. Irish Times. Retrieved from <https://www.irishtimes.com/news/politics/mandatory-reporting-of-suspected-child-abuse-on-way-this-year-1.3240973>

McKelvie, G. (2017). *Fury as judges deny thousands of child abuse victims compensation after court ruling stops claims against local councils*. (Newspaper article). Retrieved from <http://www.mirror.co.uk/news/uk-news/fury-judges-deny-thousands-child-11774767>

Melton, G. (2004). *Mandated reporting: A policy without reason*. *Child Abuse & Neglect* 29: 9-18

Munyaradzi, M. (2012). *Critical reflections on the principle of beneficence in biomedicine*. *Pan African Medical Journal* 11(29). Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3325067/>

North Somerset Safeguarding Children Board. (2012). *Serious case review: The sexual abuse of pupils in a first school*. Retrieved from <https://www.knowsleyscb.org.uk/wp->

content/uploads/2015/06/Somerset-Serious-Case-Review-January-2012.pdf

NSPCC. (2017). *Child trafficking: Legislation, policy and guidance*. Retrieved from <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-trafficking/legislation-policy-guidance/>

NSPCC. (2014). *Mandatory reporting roundtable 12 June 2014 NSPCC briefing paper*. London: NSPCC Strategy Unit

NSPCC. (2018). *Child protection in England: Reporting your concerns about a child*. (Website). Retrieved from <https://www.nspcc.org.uk/preventing-abuse/child-protection-system/england/reporting-your-concerns/>

NSPCC, Wallace, I., and Bunting, L. (2007). *An examination of local, national and international arrangements for the mandatory reporting of child abuse: The implications for Northern Ireland*. Retrieved from <https://www.nspcc.org.uk/globalassets/documents/research-reports/mandatory-reporting-research-ni.pdf>

O'Reilly, J., and Eichman, C. (2014). *Forgiven trespasses? Lessons for Ireland from the clergy sexual abuse scandals in American law*. *Irish Law Journal* (2) 70–104.

Pellegrino, E and Thomasma, D. (1987). *The conflict between autonomy and beneficence in medical ethics: Proposal for a resolution*. *Journal of Contemporary Health Law & Policy*. Vol 3(1). Retrieved from <https://pdfs.semanticscholar.org/f160/81f089f896cd0e87be286727c8718a130ec8.pdf>

Piachowiak, M. (1999). *What are human rights? The concept of human rights and their extra-legal justification*. Retrieved from <https://philpapers.org/archive/PIEWAH>

Söderman v Sweden. (2013). ECHR 5786/08.

Stalford, H. (2017). *The potential implications of Brexit for child protection*. European Children's Rights Unit. University of Liverpool. Retrieved from <https://www.liverpool.ac.uk/media/livacuk/law/european-childrens-rights-unit/The,potential,implications,of,Brexit,for,Child,Protection.pdf>

United Nations Convention On The Rights Of The Child. (2011). *General comment no. 13: The right of the child to freedom from all forms of violence*. Retrieved from [http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13\\_en.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf)

United Nations Treaty Collection. (2017). *Status of treaties*. Retrieved from [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en)