

Summary: Proposed changes to primary legislation – Mandatory reporting of children and adults at risk



Llywodraeth Cymru
Welsh Government

What is this consultation about?

We want your views on proposed changes to primary legislation in relation to social care and Continuing NHS Healthcare.

We have published a consultation that sets out the detail of several proposals and asks related questions.

Chapter 3 – Mandatory reporting of children and adults at risk

This considers whether the duties to report children and adults at risk of harm, abuse or neglect – within sections 128 and 130 of the Social Services and Well-being (Wales) Act 2014 – should be expanded to apply directly to individuals within relevant bodies.

At present, the duties require ‘relevant partners’ of a local authority – including the NHS, police, probation/YOTs and other local authorities – to inform that authority if they have reasonable cause to suspect that a child or adult, with needs for care and support, who is within that authority’s area, is experiencing or at risk of abuse or neglect (or other types of harm, in the case of a child).

These are organisational duties, supported by statutory guidance – Working Together to Safeguard People – which provides clear advice on what practitioners and organisations should do when they believe a person has suffered harm or is likely to do so.

During the course of the Independent Inquiry into Child Sexual Abuse (IICSA) there has been significant discussion of the ‘duty to report’ and whether legal requirements to report knowledge or suspicions of harm (e.g. abuse or neglect) to a designated authority, should be placed directly on individuals.

Why are we consulting?

It is timely to reflect on the current duties to report adults and children at risk, within the 2014 Act, and consider whether expanding these to include a direct legal requirement on individuals would better protect children and adults in Wales from harm.

The consultation invites views on:

- the principle of imposing duties directly on individuals
- whether they should sit alongside existing organisational duties
- whether individual reporting duties should apply to the workforce of current ‘relevant partners’ or more widely (e.g. religious or sports settings)
- whether individual reporting duties should apply to regulated professionals, staff or more widely (e.g. volunteers)
- proportionate or appropriate sanctions
- likely impacts, benefits, costs, risks.

How can I share my views with Welsh Government?

You can submit your response **by midnight on 7 November 2022**, in the following ways:

- Complete our online form, **or**
- Download, complete our form and email it to: SocialCareConsultation@gov.wales **or** post it to the address noted in the consultation document.

Please read the consultation document before considering your response. This is available at: gov.wales/proposed-changes-legislation-social-care-and-continuing-health-care