

CRIME AND POLICING BILL

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

The Government has tabled amendments to the Crime and Policing Bill for Lords Report stage. These amendments introduce new delegated powers. This supplementary memorandum explains why the new powers have been taken and the justification for the procedure selected.

New clause “Guidance”: Power to issue guidance about the duty to report child sexual abuse

Power conferred on: Secretary of State

Power exercised by: Statutory guidance

Parliamentary procedure: None

Context and purpose

1. In its final report to the Government (October 2022), the Independent Inquiry into Child Sexual Abuse recommended the introduction of a ‘mandatory reporting’ regime for child sexual abuse in England.¹ On 6 January 2025 the then Home Secretary announced that the Government would implement the recommendation. Chapter 2 of Part 5 provides for the duty to report child sexual abuse.
2. Clause 77 places a duty on persons aged 18 or over engaged in “relevant activity” in England to notify suspected child sex offences (as listed in Part 1 of Schedule 8) to the police or local authority. The term “relevant activity” is defined in subsection (12) of the clause as covering (a) regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (for example, healthcare professionals or teachers), or (b) an activity specified in Part 2 of Schedule 5 (this includes certain positions of trust not captured by the 2006 Act, and police constables). As a wide-ranging cohort, individuals undertaking relevant activity therefore have varying levels of awareness and training in the area of child sexual abuse.
3. The Government aims to drive deeper understanding and consistent application of the duty by placing a requirement on those undertaking relevant activity to have regard to statutory guidance. Topics which may be covered in the statutory guidance include (but are not limited to):
 - interaction with existing duties and new information-sharing requirements;
 - specific challenges involving faith-based communities and SEND children;

¹ <https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/final-report.html>

- cross-border notifications within the UK;
 - how to navigate permitted exceptions to the duty;
 - how to support a reporting culture of openness and transparency.
4. The new clause places the Home Secretary under a duty to consult such persons as he or she considers appropriate before issuing or revising the guidance.
 5. The provisions new clause “*Guidance*” reflect the approach taken in section 5C(1) of the Female Genital Mutilation Act 2003 (as amended by the Serious Crime Act 2015) which provides for statutory guidance in respect of the duty to report FGM.

Justification for the power

6. The Bill itself provides for the core elements of the duty to report suspected child sex offences. It sets out the duty and the exceptions to it, identifies the categories of person to whom the duty applies, the requirement to make notifications to the police or director of children’s or social services and to do so as soon as practicable (and, in any event, within seven days), and the consequences for preventing or deterring a person from discharging the duty (other consequences for non-compliance are provided for in separate legislation).
7. Given the large number of settings and activities that the duty will apply to, and the limited awareness surrounding this harm type, the Government considers that it will be helpful to provide those who work and volunteer with children with guidance on the operation of the duty. Placing this on a statutory footing will help to drive consistency across a range of settings with varying levels of training/awareness of child sexual abuse.
8. Given the constantly evolving nature of child sexual abuse, it is appropriate for such guidance to be revised from time to time, as necessary, to reflect emerging good practice and relevant case law.

Justification for the procedure

9. Any guidance issued under new clause “*Guidance*” would not be subject to any parliamentary procedure on the grounds that its function is to provide practical advice on the effective operation of the duty, and would be worked up in consultation with statutory safeguarding partners and any other persons the Home Secretary considered appropriate.
10. Moreover, while those subject to the duty must have regard to any guidance issued under this power, the guidance will not be binding.
11. An analogous power is provided for in section 5C of the Female Genital Mutilation Act 2003 (as amended by the Serious Crime Act 2015) and is similarly not subject to any parliamentary procedure.

Home Office
13 February 2026