

## **Applications from adult care leavers who make allegations about historical abuse**

Sometimes, an adult care leaver may report that they have had a very unhappy childhood in care and, in some cases, will make an allegation of historical abuse. It is important that organisations provide information at the outset to all who apply for records access, about how such allegations will be responded to and what happens when they have been made (see discussion above regarding confidentiality statement). Applicants should be advised that if they reveal that they were abused in care, or there is factual information on the file indicating this, the agency has a duty to report the allegations to the police and the local authority. It does not necessarily mean the adult care leaver's identity will be given to the police in the first instance but the police can require the organisation to supply that information (section 29, DPA).

If they report behaviour that was criminal, such as sexual abuse, neglect or violence beyond moderate chastisement seen as "acceptable" at the time, the organisation should, in line with safeguarding good practice, report their allegation to the police in the area where the events took place. Information about the current address of the alleged perpetrator, where known, should also be passed on. Historical allegations could be relevant to current police enquiries into historical as well as current abuse allegations. There is no time limit on historical abuse investigations.

When adults allege abuse, they are likely to be experiencing extreme emotions – fear, guilt, shame, anger – and may be reliving the powerlessness they felt when the abuse took place. It is important for the organisation and the worker to do all they can to empower the person and ensure they have as much control as possible in the process that will follow their disclosure.

The adult care leaver may be reluctant to be involved in the subsequent reporting process, for many reasons. Their preference should be respected and consideration given to all risk factors in the decision whether to report to the police or not. The adult care leaver must be told what is likely to follow from the information being given to the police and the organisation must be clear with the individual that once reported, they have limited influence over the way in which the police will respond. If reporting is required because of potential current danger to a child or children, information about the perpetrator and the abuse can be passed on without disclosing the identity of the informant.

Information must also be made available about how the adult care leaver might be able to apply to the criminal injuries compensation authority if they are seeking compensation. If the person indicates they intend to take legal action for damages against the care organisation, the worker should advise them about getting independent legal advice. The Association of Child Abuse Lawyers has specialist lawyers who give advice in these situations (relevant information at: [www.childabuselawyers.com/](http://www.childabuselawyers.com/)).

Adult care leavers in these circumstances should also be given information about the Independent Inquiry into Child Sexual Abuse. The inquiry was set up by the Government in 2015 to undertake an independent investigation into whether public bodies and other non-state institutions have taken seriously their duty of care to protect children from sexual abuse in England and Wales. It is led by Dame Lowell Goddard and is sometimes referred to as the Goddard Inquiry (<https://www.iicsa.org.uk/>).