

<b>Meeting:</b>	<b>Cabinet</b>
<b>Meeting date:</b>	<b>Thursday 26 November 2020</b>
<b>Title of report:</b>	<b>Review of peer on peer abuse cases</b>
<b>Report by:</b>	<b>Cabinet member children and families</b>

## **Classification**

Part Exempt

Appendix 2 - This Appendix is Exempt from Public and Press Disclosure ( Schedule 12A Local Government Act 1972) ( As amended by Local Authorities ( Access to Information Exempt Information ( England) Order 2006 – Exempt Paragraph 2.(Information that is likely to reveal the identity of an individual) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose**

To receive the outcomes of the review; to agree the recommendations arising from the review; to approve the executive response to the scrutiny committees recommendations on the report of the review and to approve the peer on peer model guidance for use in all Herefordshire schools.

## **Recommendation(s)**

**That:**

- (a) The executive note the contents and recommendations set out in the Peer on Peer Review MASH Report (appendix 1).**
- (b) The executive agree the recommendations set out in paragraph 3 of appendix 1;**

- (c) **The executive approves the executive response to the children and young people's scrutiny committees recommendations set out in appendix 5;**
- (d) **The executive approves the peer on peer model guidance set out in appendix 6 for use in all Herefordshire Schools.**

## **Alternative options**

1. There no alternative options to the above recommendations; Cabinet may choose to request amendments to the peer on peer model guidance; or request alternative actions to address any identified areas of underperformance

## **Key considerations**

2. On 15<sup>th</sup> September 2020, the children and young people's scrutiny committee reviewed the draft report of the review of multi-agency safeguarding hub (MASH) peer on peer abuse cases and made a series of recommendations to the Executive to be considered before this report was finalised.
3. The review looked at historic cases that were referred into the MASH of known recorded peer on peer sexual abuse where there was sexual assault/rape/or alleged cases (appendix 2 (exempt)). It covered the years Jan 2017- Oct 2018 and Oct 2018 – Nov 19. The methodology involved reviewing over 300 cases reported to MASH and then identifying peer on peer sexual abuse cases from the period January 2017- November 2019 where pupils attended the same schools (appendix 3). The advice given by MASH, in those cases identified and where it was recorded, and was assessed against the guidance available from the Department for Education (DFE) on peer on peer abuse at the time
4. Furthermore the review considered the April 2017 (appendix 4) report that was commissioned by a school in Herefordshire to consider the approach taken and make recommendations to the senior leadership team of the school.
5. The local authority's role is the provision of support, advice and guidance in relation to safeguarding in early years settings, schools and colleges and to develop, implement and monitor quality assurance processes across schools, colleges and settings. This service is provided by the learning and achievement team who work with the organisations, not individual pupils.
6. The council recognises that issues of harm are a significant concern for individuals, families and schools in circumstances where peer on peer abuse takes place. As a result of the recommendations set out in this report, the council has committed to strengthened mechanisms, support, guidance and engagement with families and schools and partners, so as to more effectively mitigate and prevent circumstances of harm from occurring. The Council regrets that in some instances its processes have not supported individuals, families and schools as well as they could have done, and apologises for any hurt caused.
7. The council has committed to keeping training and guidance to schools a priority in all such cases for the future - and has accordingly - led training for all Designated Safeguarding Leads in all schools. There is also a set of recommendations agreed to

strengthen the review of any such fresh cases as they arise. This will adopt a multi-agency approach and we will apply rigorously any changes to DfE and legal advice in these cases. We will also implement any further service changes as a result of the findings of the National Society for the Protection of Cruelty to Children (NSPCC) audit work. The cabinet member has also agreed the response to the recommendations of the Children and Young People's Scrutiny Committee Spotlight review into peer on peer abuse and these will be implemented.

8. The recommendations of the Children and Young People's scrutiny committee are to be considered by the executive and are set out in appendix 5 and agreed by the executive as their response to the scrutiny recommendations. In addition the executive are asked to consider the draft model guidance attached as appendix 6 for handling peer on peer abuse cases in Herefordshire.

## **Community impact**

9. The approach to peer on peer abuse for children and families in Herefordshire is an important and integral part in the provision of safeguarding, education, health and care services for vulnerable children and their families throughout Herefordshire. This enables the council to work with children, young people and their families where this is possible to keep children and young people safe and give them a great start in life; and secure better services, quality of life and value for money. This contributes to fulfilling the aims of the Herefordshire Children and Young People's Partnership Plan 2019-2024 and the councils County Plan 2020-2024.

## **Environmental Impact**

10. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.

## **Equality duty**

11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate

that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. This is a factual report highlighting the outcomes of the review into historic cases of peer on peer abuse, including areas of good practice, areas for improvement and the next steps that council will take. Peer on peer abuse is an Equality issue and the outcomes of the review demonstrate that the council has considered this and is committed to working to support those effected while exercising its Equality duty

## **Resource implications**

13. The outcomes arising from the review largely reflect work that is already underway. There are no additional cost implications to the outcomes as actions will be met from existing budgets.

## **Legal implications**

14. The council, working with partner organisations and agencies, has specific duties to safeguard and promote the welfare of all children in their area. The Children Acts of 1989 and 2004 set out specific duties: section 17 of the Children Act 1989 places a duty on the council to provide services to children in need in their area. Section 47 of the Children Act 1989 requires councils to undertake enquiries if they believe a child has suffered or is likely to suffer significant harm.
15. These duties placed on the council can only be discharged with the full co-operation of other partners, many of whom have individual duties when carrying out their functions under section 11 of the Children Act 2004. Under section 10 of the same Act, the council is under a duty to make arrangements to promote co-operation between itself and organisations and agencies to improve the wellbeing of local children.
16. In dealing with Peer on Peer abuse, government guidance 'Keeping Children Safe in Education' (updated in September 2019 and again in June 2020) provides statutory guidance for schools and colleges who must have regard to the guidance when carrying out their duties to safeguard and promote the wellbeing of children
17. The legal basis for the recommendations in the draft report to the executive are commented upon in appendix 8

## **Risk management**

18. There are no risks associated with agreeing the content of this report which provides information regarding the review of historic cases of peer on peer abuse and indicate how the work is being taken forward.

## **Consultees**

19. The Children and Young People's scrutiny committee met on the 15 September 2020 and made a number of recommendations for the executive to consider and approve as the executive response shown in the appendix 5.

## **Appendices**

Appendix 1 - Report on peer on peer abuse review of historic cases dealt with by the Multi-Agency Safeguarding Hub (MASH)

Appendix 2 – Historic cases of peer on peer

Appendix 3 – Details of cases under the review period

Appendix 4 – Redacted CSO report April 2017 and Recommendations

Appendix 5 – Executive response to scrutiny recommendations

Appendix 6 - Draft model guidance for handling peer on peer abuse cases in Herefordshire.

Appendix 7 - What is Peer on Peer Abuse

Appendix 8 – Legal basis for recommendations

## **Background papers**

None