

**Supplement to the agenda for**

# **Children and young people scrutiny committee**

**Tuesday 26 April 2022**

**2.30 pm**

**Herefordshire Council Offices, Plough Lane, Hereford, HR4  
OLE**

**87. QUESTIONS FROM MEMBERS OF THE PUBLIC**

**Pages**

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### QUESTION

1. Written Supplemental questions - The Department for Education reviewed the A Fertile Heart programme after the Ofsted Inspection and found serious non-compliance issues. Consequently, in June 2021 the (former) Minister for School Standards, Nick Gibb MP wrote to local MPs that “A Fertile Heart contained content that would be hard for a school to present in a way that was consistent with the statutory guidance on Relationships, Sex and Health Education (RSHE)”. He undertook to write to the Archdiocese and the Publishers. According to the Council's response, it appears no significant changes to the programme have been made. Given this, how does the legal advice square with the Council's duty to protect children and ensure primary equality and human rights are not breached, and how can the Council legally challenge the continuation of such a programme in one of our schools?

### ANSWER

The local authority has not had sight of communication between the DFE and the Archdiocese of Cardiff in relation to ‘A Fertile Heart’. The local authority does not have the power to intervene or challenge the School's policy. The mechanism of challenge to the operation of the policy exists by either parents, pupils, or staff claiming discrimination under the Equality Act 2010, and to the policy itself through the overview provided by the schools' Inspectorate or the Secretary of State.

### QUESTION

2. Thank you for the written response. It refers to a lot of documents but fails to answer my question and it does not explain how the Human Rights Act and the Equality Act apply to cases of peer-on-peer sexual assault. The Council's guidance for schools has only one reference to the Human Rights Act and one reference to the Equality Act – these are cursory references in the Appendix which merely urges schools to ensure they adhere to those Acts. There is NO explanation for schools as to how those Acts apply to cases of peer-on-peer sexual assault. No wonder that schools are still getting it wrong and that victims – mainly girls – are still at risk of harm. I am more than ever concerned that no officer in this Council has got to grips with how the Human Rights Act and the Equality Act apply and I hope I am wrong on that. Can someone – any officer or any member – put my mind at rest, and please explain to us how the Human Rights Act and the Equality Act should operate in a specific circumstance of protecting a rape victim who has reported the crime to the police but does not wish to go through the criminal justice system.

Clarity on the issue raised in writing 8 months. That suggests the councils current policy is discriminatory to a girls human rights.

### ANSWER

The Human Rights Act and Equality Act apply equally to Peer on Peer abuse as to all other aspects of school life. The local authority does not currently commission separate training on the Human Rights Act but it is referenced in other training. The Equality Act is used as part of all training on all issues. It is not focussed on Peer on Peer abuse alone.

### QUESTION

3. In the written response to my question, Q3 again relevant to Peer on Peer abuse. Case by case basis with the voice of the child in use. My trouble with this is that the child in many cases will not

be familiar with their rights under the equality act or human rights act. May feel that there is pressure to be kept in the same space as the perpetrator of their abuse. More often than not it is girls that are victims sadly. My concern is that there being asked to be in the same space and continue their education in the same space as the same situation. What guidance will be given by officers of the council to the schools specifically where there aren't going to be pursuing a criminal case, as this doesn't always happen in a timely manner. What guidance will be given to schools?

#### **ANSWER**

Case by case includes not only a focus on procedures to protect the children involved the child but also the views of experienced multi-agency safeguarding professionals. The overriding principle however, is that the views of the child are heard. The timeliness or not of any criminal justice process is not the guiding principle. The actions required should be taken whatever route may be followed in any particular case. We believe that this is now done. Guidance has been given to schools, is compliant with legislation, has been co-authored by national specialists and is being followed. It is reviewed frequently. There is also associated training provided.

#### **QUESTION**

4. Year 7 special students are unaware of secondary school place, why is this and when will they be informed?

#### **ANSWER**

There is a large group of Y6 pupils leaving from Blackmarston Special School this year whose parents have expressed a preference for Barrs Court Secondary School for September. This is comparable with a number of other years when there have been similarly large Y6 cohorts. The need for these places was predictable and in previous years Barrs Court have been able to take all of the Y6 pupils leaving Blackmarston. There have also been at least a further 7 pupils from different schools whose parents have also expressed a preference for Barrs Court. This represents an additional class of special school children, which was not something that has previously been experienced. The result of this is that there is no physical space on the current school site to accommodate all pupils currently seeking places. Herefordshire, along with many other areas of the country, is experiencing significantly higher demand for services for children with SEND.

The Council has been working with Accordia Trust who run Barrs Court School to identify a further school premises that will not only allow the school to take the current large group of Y6 pupils but will also 'future proof' the school for higher numbers of children than expected seeking places at the school. Both the Council and Accordia Trust are committed to trying to find a solution that means a place can be offered to all pupils seeking a place. Once the legal transfer of a suitable premises to the school can be confirmed, the school will be in a position to confirm that they are able to offer places. We recognise that this is frustrating for the families concerned. Council officers and staff from Accordia Trust are working hard to resolve this situation as soon as possible. A meeting is being arranged for Council officers to update the affected families on progress.

#### **QUESTION**

5. What is the timescale for SENCO support when identified?

#### **ANSWER**

It is unclear from this question whether this is support for the special needs co-ordinator or whether the question means 'How long does it take for support to be offered to children once they have been identified as having SEND?'

Assuming the question means the latter, the support to the pupil should commence within a short time of the parents being notified that the pupil has SEND. However, there is no statutory timescale set out in the SEND Code of Practice.

