

Supplement to the agenda for

Children and Young People Scrutiny Committee

Tuesday 11 October 2022

2.00 pm

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

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

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PUBLIC QUESTIONS TO CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE – 11 OCTOBER 2022

Question 1

From: Ms Currie, Hereford

To: Chairperson of Children and Young People Scrutiny Committee

Nolan Principles for officers etc. are Accountability, Openness, Honesty, Selflessness, Integrity, Objectivity, and Leadership.

The minutes of the Children and Young People Scrutiny Committee meetings state the names of councillors etc. but not of officers. Other local authorities state the name and job title of officers in CYP Scrutiny Committee minutes. Reports by officers usually give job title of officer/councillor. Responses to public/councillor questions and supplementary questions are unnamed arguably reducing accountability etc. Other meetings (e.g. Council) can include children's matters. On occasion, officers have given incomplete and misleading information etc. (e.g. to public questions and in meetings).

Does the chairperson recommend that the above should change?

I consider it would help to improve Children's Services.

ω Response:

Thank you for your question.

Some local authorities include the name and job title of officers in their Children and Young People Scrutiny (or equivalent) Committee minutes, but equally others do not; this is reflective of the fact that the law does not prescribe how minutes should be written up. There is no right or wrong way of preparing minutes and the form adopted by any particular local authority is a matter of individual choice or local custom.

The publication *Knowles on Local Authority Meetings: A Manual of Law and Practice* (2016) states in respect of committee minutes that "it is not good practice to include the names of officers who are in attendance because the officers are not part of the membership of the committee". Although not formally recorded in the minutes, it is common practice in scrutiny committees that during the standard opening statements for each particular meeting the chairperson will introduce any officers in attendance by name.

The Council's [public guide to participation](#) provides that a question should be directed to a chairperson or cabinet member. It follows that questions to the Children and Young People Scrutiny Committee are responded to by the chairperson on behalf of that committee, whereas any question directed to a cabinet member would be redirected to the appropriate cabinet meeting. We take on board your suggestion however that the published answer should specify who has provided the response, and this will be included in future. Whilst one or more officers may be involved with providing information or advice which informs an answer to a public question at a scrutiny committee, the response ultimately comes from the chairperson and not from officers.

Question 2

From: F Reid, Hereford

To: Chairperson of Children and Young People Scrutiny Committee

Please advise for 2021-22 under the auspices of Herefordshire Council:

- The number of new-born babies that were taken into care?
- The number of placement orders (court order that a child should be put up for adoption)?
- The rate of placement orders per 10,000 children?

Please advise the above for 2021-22 and 2020-21:

- “Statistical Neighbours” (average)
- All ten (10) “Statistical Neighbours” e.g. Cornwall, Devon
- West Midlands
- England

Response:

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- The number of new-born babies that were taken into care?
 - 19 children taken into care within 10 days of date of birth
 - 24 children under 1 year old taken into care
- The number of placement orders (court order that a child should be put up for adoption)?
 - 10 placement orders in the year
- The rate of placement orders per 10,000 children?
 - Rate = 2.78

Please advise the above for 2021-22 and 2020-21:

- “Statistical Neighbours” (average)
- All ten (10) “Statistical Neighbours” eg Cornwall, Devon
- West Midlands
- England

LA	(Age 0-17) Population Mid Year Estimates - 2020	2020-21		2021-22		2020-21		2021-22 * **	
		Number of PO Granted	Rate	Number of PO Granted	Rate	Number of Children Un- der 1 Taken into Care	Rate	Number of Children Un- der 1 Taken into Care	Rate
Herefordshire	36029			10	2.8			24	6.7
England	12093288	2910	2.4	2860	2.4	5610	4.6		
West Midlands	1306330	390	3.0	450	3.4	720	5.5		
Stat Neighbours Average	114957	32.1	2.8	29.9	2.6	52	4.5		
Shropshire	60293	15	2.5	21	3.5	39	6.5		
Devon	148076	45	3.0	51	3.4	77	5.2		
Cornwall	108954	31	2.8	16	1.5	48	4.4		
Somerset	111293	38	3.4	33	3.0	44	4.0		
Dorest	67698	24	3.5	11	1.6	25	3.7		
Wiltshire	106274	16	1.5	8	0.8	30	2.8		
Suffolk	152863	38	2.5	38	2.5	76	5.0		
Norfolk	172182	36	2.1	44	2.6	66	3.8		
Gloucestershire	129562	29	2.2	39	3.0	63	4.9		
Cumbria	92373	49	5.3	38	4.1	52	5.6		

[Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

[Coram-i - Local Level ASGLB Data Q4 2020/21](#)

[Children looked after in England including adoptions, Reporting Year 2021 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

* 2021-2022 comparator data not yet published

** Comparator data not available for children taken into care within 10 days of date of birth

Question 3

Name and address supplied

To: Chairperson of Children and Young People Scrutiny Committee

A huge amount of time and public money has been wasted because officers have repeatedly resisted setting out in writing for Members and the public HOW Article 3 and 8 of the Human Rights Act apply to cases of child-on-child sexual assault. In the interests of resolving matters swiftly, and in the interests of protecting children from avoidable harm, can officers set out in the written answer to this question what, in practice, the legal obligations of a school are under Article 3 and 8 when they are dealing with a credible allegation of child-on-child sexual assault. If officers wish to refer to existing guidance, please can they print in full the relevant paragraphs within that guidance rather than supplying a link, because previously, including in July 2022, broken links have been supplied, rendering the answer meaningless.

Response:

Schools are required to act in accordance with their obligations under the Human Rights Act. The Department for Education publication '*Keeping children safe in education 2022: Statutory guidance for schools and colleges*' (1 September 2022) refers to the obligations under the Human Rights Act, the substantive section is paragraphs 83-85:

83. The Human Rights Act 1998 (HRA) sets out the fundamental rights and freedoms that everyone in the UK is entitled to and contains the Articles and protocols of the European Convention on Human Rights (ECHR) (the Convention) that are deemed to apply in the UK. It compels public organisations to respect and protect an individual's human rights when they make individual decisions about them.

84. Under the HRA, it is unlawful for schools and colleges to act in a way that is incompatible with the Convention. The specific Convention rights applying to schools and colleges are:

- Article 3: the right to freedom from inhuman and degrading treatment (an absolute right);
- Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity;
- Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination; and
- Protocol 1, Article 2: protects the right to education.

85. Being subjected to harassment, violence and or abuse, including that of a sexual nature, may breach any or all of these rights, depending on the nature of the conduct and the circumstances. Further information (including on absolute and qualified rights) can be found at [Human Rights | Equality and Human Rights Commission](#).

The guidance can be found on the gov.uk website safeguarding children. The link is [Keeping children safe in education - GOV.UK \(www.gov.uk\)](#).

Question 4

Name and address supplied

To: Chairperson of Children and Young People Scrutiny Committee

In the Guardian on 1 October, the public learned that “In the five years leading up to August 2021, Herefordshire Council paid out £290,000 in human rights damages to children and families it had harmed.”

The Guardian article references the fact that financial payouts in human rights cases are rare which suggests the cases concerned are likely to be egregious failures.

I am concerned that there has been a history of information about safeguarding failures being withheld from CYP Scrutiny – for example, the withholding of the CSO report - thereby preventing proper scrutiny by Members of systemic and individual officer failure.

Could the current members of the Council’s Children and Young People Scrutiny committee confirm if they are aware of the full list of the cases which have resulted in these payouts and when they were made aware of them?

Response:

~ The chairperson will provide a direct oral answer, which will be recorded in the minutes of the meeting.

