

Minutes of the meeting of Children and young people scrutiny committee held at the online meeting on Tuesday 15 September 2020 at 1.00 pm

Present: Councillor Carole Gandy (chairperson)
Councillor Diana Toynbee (vice-chairperson)

Councillors: Graham Andrews, Paul Andrews, Kath Hey, Phillip Howells and Mike Jones

Officers: Director for children and families, Interim Head of Legal Services, Democratic services manager, Assistant Director Safeguarding and Family Support and Assistant Director Education Development and Skills

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

RESOLVED: That the minutes of the meeting on 28 July are agreed as a correct record and are signed by the Chairperson.

4. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 19 - 24)

The Chairperson paid tribute to the members of the public who had raised questions on the issue of peer on peer abuse as below:

I would like to pay tribute to all of the members of the public who have submitted questions to this committee over the last year to eighteen months on a number of occasions concerning the safeguarding of children in our schools. I recognise that all members of the public who have brought forward their experiences have done so while enduring deeply personal and often very distressing circumstances. I thank you for your courage and your dignity in bringing your knowledge and experiences of peer on peer abuses to the attention of this committee. But ultimately, and more significantly, on behalf of all of the victims of peer on peer abuse.

As a result of your efforts this issue has been quite rightly highlighted and is receiving widespread attention locally and nationally.

I also wish to convey to those members of the public that I acknowledge that the formal committee setting can sometimes mask the personal impact your questions and evidence have had on me and my committee members. I know I speak for each of them in saying that we have all been deeply moved by your determination and focus on behalf of the families, friends and survivors in bringing forward your evidence.

The Chairperson made the following statement to clarify the answer to the first public question from Mrs Steel:

I believe that at our meeting in June 2020 I stated that the CSO report had only recently come to my attention. That was misleading on my part and I should have said the ownership of the CSO report had only recently come to my attention. As I have explained in my response to Mrs Steel's written question. I apologise for my clumsy wording and hope that my written response has clarified my knowledge of the CSO report.

A copy of the public questions received, responses provided and the supplementary questions is attached at appendix 1.

5. ACCOMMODATION AND SUPPORT FRAMEWORK FOR CARE LEAVERS

The committee considered a report by the Head of Community Commissioning (HCC) which provided an outline of the proposal for the accommodation and support framework for care leavers. The HCC introduced the report and raised the points below:

- The proposal would be considered by Cabinet at the end of 2020 establish a new procurement framework for purchasing accommodation and support services for care leavers and looked after young people post 16.
- Currently there was not a framework in place and the council relied on ad hoc spot purchases for placements.
- The proposal is part of a wider strategic approach across the council to develop and improve the market for and the provision of support and accommodation for care leavers and looked after young people post 16.
- The council was also involved in the strategic commissioning and recommissioning of services which will change the way in which some services are provided. There will however continue to be a reliance on spot purchases of individual placements for care leavers and looked after young people post 16 for a number of years.
- The proposal for a framework is a way to exert greater control over the quality and price of placements. Currently placements are made from independent sector organisations which are often out of Herefordshire, of variable quality and were costly.
- The framework is intended to ensure that: more young people can be placed within Herefordshire to stay connected to families and the community; the council pays a fairer amount for placements; and the quality of placements is consistently high.
- The framework will function by inviting providers to join the framework which incorporates rules for a range of elements including quality and price. Where the need for a placement arises providers on the framework are invited to undertake a mini-competition to provide a placement for an individual.
- Where a framework is introduced to a market for the first time the impact is likely to be gradual and there is uncertainty over the length of time it will take for the framework to take effect. It is important to ensure a balance between the controls exerted by the framework, particularly in respect of price and quality, but the framework also needs to be attractive to providers to join. It was proposed that controls would be introduced gradually; once the framework was fully operation the controls could be amended and increased.
- The framework would be taken to the market in January 2021 and the framework would be fully operational by April 2021.

During the debate the committee raised the following points:

- There was support for the framework which would provide the council with greater control over where vulnerable children and young people would be placed and that accommodation would be appropriate to their needs. It was recognised that the framework would also improve the quality and standard of accommodation.
- It was noted that recent statistics at a performance challenge had shown that 87% of care leavers were in suitable accommodation which was a significant improvement on previous performance.
- There was concern that planning controls over applications for homes of multiple occupancy were not sufficiently robust to ensure that developments provided suitable accommodation for vulnerable young people.
- The framework would help to prevent harm occurring to young people as a consequence of a market without appropriate controls.
- An objective of the framework to provide placements within Herefordshire was welcomed and supported.
- It was queried if the council had sufficient resource and capacity to operate and maintain buildings that it purchased and if comparisons of cost against purchased placements would be undertaken. *The HCC explained that the council owned properties which provided support to vulnerable young people and the model in place at the authority was sound. In some cases accommodation would be sought through leases rather than council-owned properties with a mixed approach developed over time. The senior commissioning officer (SCO) explained it was important to consider all options to ensure a wider local offer for young people. The framework would seek providers of accommodation and support and would shape the market in the interests of young people. The HCC explained that the rationale behind having greater control over physical accommodation was that commercial providers tended to charge a significant mark-up on the cost of accommodation. This remained a relatively small part of the overall costs for placements but was part of the additional costs the council was paying.*
- The timeframe for the introduction of the framework was supported but was considered to be over a short period and there was concern that it might not be delivered within the deadlines. It was queried if the short timeframe was based on the experience of other councils. *The HCC explained that the timeframe would be reviewed with cabinet to determine if it was too ambitious. The council had experience of introducing frameworks for similar people-centred services and three months for its introduction from the new year was felt to be sufficient. There would be a phased introduction of controls and it was important that the framework attracted a range of providers to ensure a competitive market.*
- Where placements were sought it was queried whether this was throughout Herefordshire and not solely in the city of Hereford. The attractiveness and suitability of the placements and facilities to young people was raised and the access they would have to support and training locally. *The HCC explained that it was recognised that accommodation purchased through the framework may be in Hereford City or the market towns but it was unlikely that young people would be accommodated in rural areas or village environments. All accommodation would be located after an assessment of the access young people would have to facilities and services including education, training and other forms of support. It was recognised that a lot of young people had been accommodated in Hereford to ensure access to the college.*
- The current numbers of care leavers placed out of the county was queried. *The Head of Looked After Children (HLAC) explained that details of the exact number of care leavers living out of county were not immediately available but it was explained that it was a significant number. Some were living close to Herefordshire in the bordering counties of Worcestershire or Gloucestershire which met their need to be close to families and colleges. There were however a large number of young people who were placed further away which was not*

desirable. In some examples this situation had developed as children had been placed out of county as younger looked after children and had developed links with educational settings and communities. Where children wished to stay within an out-of-county area and where this was supported by the service it would be facilitated in line with the placement strategy. However it was recognised that relationships could be fragile therefore a whole-system approach was being implemented to attempt to keep looked after children as local as possible and the work undertaken on the framework provided more options to care leavers supporting attempts to keep looked after children and care leavers in the county. The number of looked after children placed out of county was monitored and a similar system should be developed for care leavers.

- An update on progress with the new accommodation for care leavers in Widemarsh Street was requested. *The HCC explained that a new service in the centre of Hereford had been launched for care leavers with complex needs and was operational. The facility would be at full capacity later in September and there was satisfaction with the high standard and the service that had been commissioned.*
- The report identified that 48 young people would reach the age of 18 up to February 2022 of which 25 would require a light touch approach; what contingency was required to meet the needs of this cohort and how was this predicted. The length of placement contracts was queried and if they were for a fixed period or were flexible and responsive to need. *The HLAC explained that to predict numbers the service met with the commissioning team on a three monthly basis to review the needs analysis. An assessment of each child moving towards 18 was undertaken and their likely need for accommodation and support. A number of young people were placed with families and carers and would move into adulthood with limited or no support from the council. Young people with a higher level of need were identified as requiring support and a range of accommodation was now available. This included supported lodgings providers which could provide accommodation for a couple of months or up until to the age of 21. There was access to the new facility in Widemarsh Street and the commissioned service provided there; when a young person left the facility other young people with complex needs could be accommodated there. The new Bath Street development, which was going out to tender, would provide further options to enable young people to move on when needed and a waiting list would be managed to ensure there were no voids in the building. The arrangements worked on the basis of providing reasonable notice to providers and landlords. The demand of young people and waiting lists were managed by the service but there was not a long term contractual commitment around placements. The HCC explained that the commissioned services were intended to be transitional at a maximum of two years but usually a shorter period of time. As young people move out of services and placements others will fill the places. The purchase of placements through the framework would be based on reasonable but short periods of notice to providers and the period of placements procured would likely be over a number of weeks. Notice periods and lengths of placements would be defined in the framework as it was developed. The SCO explained that the provision was not solely for care leavers; the framework was initially for care leavers but other schemes were for all vulnerable young people.*
- As corporate parents the commitment to housing young people locally and providing accommodation of a high standard was welcomed.

The cabinet member children and families explained that the framework was a positive step forward and it was important that looked after children had the same opportunities as other children. There was a desire to ensure that more looked after children could be accommodated locally and in a high standard of accommodation to assist in transition

towards independent lives. It was always important to retain a focus on cost and the framework would help reduce expenditure on placements.

Councillor Carole Gandy proposed and Councillor Diana Toynbee seconded the recommendations of the committee which were agreed unanimously.

RESOLVED: That the committee:

- **Welcomes and supports the proposal for the accommodation and support framework for care leavers; and**
- **Recommends that the timetable for the introduction of the framework is reviewed and a view reached if it is too ambitious or realistic and achievable.**

6. REVIEW OF PERFORMANCE AND PROGRESS AGAINST THE SAFEGUARDING AND FAMILY SUPPORT IMPROVEMENT PLAN 2020/2021

The committee considered a report from the assistant director children's safeguarding quality and improvement (ADCSQ&I) providing the quarterly review of performance and progress against the safeguarding and family support improvement plan 2020/2021.

The Chairperson explained that the report focused on those elements which required improvement however it should be noted that a number of improvements had been achieved by social workers, particularly in respect of visits, during the pandemic.

The ADCSQ&I introduced the report and outlined the following:

- A briefing paper had been provided to chart the journey in Herefordshire (from inadequate to requires improvement).
- The scorecard demonstrated sustained improvement over the course of the last 12 months.
- Sustained and significant improvement had been achieved and there was now a focus on providing a quality service to children and young people. An assessment of the impact of the work of children's services on children and their families needed to be undertaken. More audit work was required and 12 months previously 48% of audits had been adjudged inadequate but progress had reduced the figure to 11%.
- Further work was required around listening and responding systematically to children and families to ensure that a regular feedback process formed part of the work of children's services. Children and families would be given the opportunity to judge the work of children's services on a scale. Children and families stories and experience would be listened to in order to improve the delivery of services in the future.
- Collaborative auditing was also being undertaken where auditors shadow a social worker who explains the processes and work to deliver services.
- A further improvement consisted of clarity over what good practice consisted of and key to this was the signs of safety approach. On the cover of the improvement plan there were three key questions: what's going well; what are we worried about and; and what SMART actions were to be taken forward over the next quarter.

The following points were raised in the debate:

- The presentation of the report had improved with a focus on what the service was doing well, what not doing so well and what needed to be monitored.
- Within the report was the issue of recruitment of social workers and it was recognised that recruitment was also a concern in other areas of the council. The increase in working from home arrangements might help to increase recruitment rates but it remained an issue for the authority. It was proposed that a working group of members look into the issue of recruitment in the county across all directorates at the council. *The ADCSQ&I explained that he was working with a team to investigate recruitment and would welcome input from members. Three recruitment and retention summits had taken place and it was acknowledged that improvements were required to processes to develop recruitment campaigns. Work had been required to define the core offer which had been condensed onto a single sheet of paper and was now felt to be a strong offer. Herefordshire was an attractive place to work and offered the possibility to engage with community and environment. Recently 17 newly qualified social workers had been appointed.*
- Within the key areas of concern in the plan was the reduction of the number of children on child protection plans. It was felt that work to reduce the numbers of children on child protection plans had been successful but that the number had now reduced to a level that could be considered concerning. It was an important area to look into to ensure an effective service remained after work had been completed to reduce the number of children on plans.
- In the improvement plan under priority 1 there were 8 objectives which were at a red status and it was felt there needed to be a conversation about why they were not amber and what was being done to ensure improvement. There appeared to be some inconsistency with the scoring in the self-assessments for those area which had objectives that were currently rated as red. A consistency between the red ratings and self-assessment scores would be welcomed. *The assistant director safeguarding and family support (ADS&FS) provided examples of red ratings. Contacts into MASH not being dealt with in 24 hours was the position at the end of June and a number of plans had been put into place to address the issue including establishing the domestic abuse hub which was now operational and an early help hub would be in place by 21 September. There was an attempt in the report to explain what work was being undertaken to address those areas in red and to identify the actions that would be undertaken in the next quarter to make improvements. The ADCSQ&I explained that the targets were more ambitious than statistical neighbours which was not an excuse for amber and red ratings. Performance measures around activity were important but the qualitative measures which demonstrated the impact on children and families were considered significant and there was an attempt to focus on the right areas to bring improvements.*
- It was queried how many of the red ratings were close to being amber and that it was the role of the committee to seek to encourage the service to improve the measures from red to amber and eventually green. The 8 red ratings of 11 was not a position the service would wish to occupy and it was queried how the committee could help officers to achieve improvement. *The ADS&FS explained that the service had an understanding of what was required to achieve improvement in the objectives. It was confirmed that better performance information would assist with understanding the ratings; the performance team were being asked to provide more data regarding performance and reporting was still a relatively recent initiative that was not understood by all. The performance management team at the council was receiving a number of extra requests for performance data. For example domestic abuse of children against parents and carers was data that was being requested to facilitate an application for recently available funding streams for training to ensure family support workers to assist families where it is happening. More risks to families and children were being identified and in order to support accurate report further resources were required*

in the performance team. The director children and families (DCF) explained that some of the work in the improvement plan involved multi-agency engagement for example around section 47 inquiries resulting in no further action which was currently a red status but which was not solely within the power of the council to improve. He emphasised the importance of the council working with other organisations in the system to achieve improvement and ensure a system-wide understanding of working with children. This was part of the signs of safety work involving partner engagement including a safeguarding summit and a workshop with partners concerning the understanding of thresholds.

- *It was queried if the committee meetings could be timed to ensure that more relevant and up to date data is considered. The Chairperson explained that the scheduling of meetings was being looked into.*
- *There was reference in the report to updates to Mosaic to inform risk management and it would be helpful for some explanation of this work to assist the understanding of the committee. It was requested that a briefing on this work be provided at a future performance challenge session. The ADCSQ&I explained that following the introduction of the single practice approach of signs of safety there was a significant project in progress to make changes to the Mosaic system to support the approach in the initiative and ensure that forms were more practice-friendly. There was close work with social workers to ensure the system was more child-friendly and to investigate how social workers could spend less time completing forms and more time with children and families. It was known nationally that 70-80% of social workers time could be spent on a computer and it was a challenge to ensure that any change to Mosaic made it friendlier to the social worker to reduce repetition and bureaucracy.*
- *The domestic abuse hub was welcomed particularly due to concerns about the increase in domestic abuse during the pandemic and impact on children. The work of the West Mercia Rape and Sexual Abuse Support Centre (WMRSASC) was raised and it was hoped that cabinet would consider additional funding for the organisation. The ADS&FS explained that the domestic abuse hub had been in existence for some time, there was an enhanced approach during lockdown which has now been eased. The new proposal for the domestic abuse hub was approved by the safeguarding partnership during the summer and a multi-agency domestic abuse hub was now fully operational including safeguarding, early help, police, education, health and Women's Aid who take part in daily conversations concerning all domestic abuse notifications received from the police and graded as level 2 or 3 threshold of risk.*
- *The Education, Health and Care (EHC) assessments were raised. Nationally it was recognised there was an issue with a large number of parents appealing the outcome of an assessments who had their appeal upheld. This was a concern as a number of parents might lack the resources to go to appeal and an update on the situation in Herefordshire was requested concerning the number of appeals received and the percentage of appeals upheld. The DCF explained that a written response would be provided. The Special Educational Needs and Disabilities Information Advice and Support Service (SENDIASS) service which was run through Worcestershire CC was in place to support parents of children with special education needs to ensure their children received the help and support they required; detail of this independent advocacy service would form part of the briefing note. The assistant director education, development and skills (ADED&S) provided detail of the level of families who were requesting an education, health and care plan which had almost doubled since 2011; 600 to 1,100 per annum.*
- *It was noted that there were no children on child protection plans who had been the victim of physical or sexual abuse and in previous data there had been very few. It was recognised that it was not possible to say children had not been the victim of these abuses if it had not been recorded. The majority of children on child protection plans had suffered emotional abuse. It was questioned if the data was correct or if those children suffering physical and sexual abuse were not*

being identified. *The ADS&FS explained that a review was being undertaken in order to understand the data and why it was happening. The report was due to be concluded at the beginning of October. The ADCSQ&I explained that it was a situation which the service wanted to examine and a report would be forthcoming.*

- It was noted that currently the majority of looked after children were between the ages of 10 and 15+ and newly looked after children tended to be 0-4. It was queried whether looked after children between 10 and 15+ had been in care for a significant period of time and if their age made reunification with families or securing special guardianship orders (SGO) more difficult. *The ADS&FS explained that currently there were 40 cases that were lodged with the court and legal services to discharge care orders through SGOs or due to children returning to the care of their parents. The majority of very young children entering the care system were babies or infants where there had been a period of pre-proceedings before the council obtained an interim care order. Adoption would be the most likely exit from the care system in these cases but there may be a backlog in final hearings for adoption orders due to the current priorities of the courts. It was important to review the impact on the figures when adoption orders could be put before the courts to remove children from the care system. It was acknowledged that the longer a child spent in care, the more difficult it was to place them back with their family which highlighted the importance of looked after children maintaining contact with family members to ensure that if circumstances change the ECHO service can facilitate work to reunify children with their family.*

The cabinet member children and families explained that it was encouraging to hear that there had been improvement but there was no room for complacency. There were still a number of areas that required improvement but there was a coherent plan to make progress. The new presentation of the plan was helpful and it was welcomed.

Councillor Carole Gandy proposed and Councillor Graham Andrews seconded the recommendations which were carried unanimously.

RESOLVED: That the committee:

- **Recommends that the executive considers the possibility of a working group to examine the issue of recruitment in Herefordshire, to include a focus on the recruitment of social workers and to engage with projects currently in progress; and**
- **Requires that meeting dates are reviewed to ensure more up to date performance data is presented to meetings of the committee.**

7. WORK PROGRAMME REVIEW

The committee considered its work programme report. The report included changes to work programme since the previous meeting of the committee, the executive response to the recommendations of child exploitation task and finish group and the recommendation tracker.

The points below were raised in the discussion that followed:

- Arrangements for the scrutiny work programming session were raised and how members of the public could contribute potential topics for scrutiny. It was requested that a covid-19 joint scrutiny working group be considered at the session and that invitations were extended to portfolio holders. *The statutory scrutiny officer explained that members of the public had the opportunity to provide topics for scrutiny through the 'get involved' part of the website and*

stakeholders would be invited to the work programming session to help inform scrutiny work programmes. Portfolio holders were welcome to attend to raise items they thought were appropriate for the scrutiny committee work programmes. It was confirmed that the notion of joint scrutiny relating to covid-19 had been raised by the other scrutiny committees.

- It was noted that the deadlines for the completion of actions in the executive response to the recommendation from the child exploitation task and finish group were close and an update was requested on progress made and if the timeframes had been affected by the coronavirus pandemic. In particular there should be an update on arrangements for the annual summit for child exploitation to include a focus on modern day slavery. *The DCF explained that an update would be sought for presentation to the next meeting of the committee.*

Councillor Paul Andrews proposed and Councillor Kath Hey seconded the work programme recommendations. The recommendations were carried, Councillor Diana Toynebee was unable to vote as she had lost connection with the meeting.

RESOLVED – That the committee:

- (a) reviews the 2020/21 work programme at appendix a and any additional items of business or topics for inclusion in the work programme;**
- (b) agrees the changes to the work programme itemised in paragraph 3 of the report and the allocation of an update on the child exploitation task and finish group recommendations to the meeting of the committee on 1 December;**
- (c) receives and notes the executive response (appendix b) to the recommendations arising from the child exploitation task and finish group; and**
- (d) notes the recommendation tracker in appendix c.**

There was a brief adjournment at 3.06 p.m. The meeting reconvened at 3.13 p.m.

8. REVIEW OF PEER ON PEER ABUSE CASES

The committee considered a report by the assistant director education, development and skills (ADED&S) which provided the outcomes of the review of peer on peer abuse cases. The ADED&S introduced the report and raised the points below:

- The report was originally requested around the previous Christmas and initially shared with the committee in June. That report had been interpreted wrongly as a brief statistical analysis over a defined time period and there was an apology to the committee and families for this mistake.
- The timeframe for the review was precisely prescribed and details were drawn from Mosaic for an analysis of cases from two distinct periods of time. The timeframes were January 2017 – October 2018 and November 2018 – November 2019 which were selected to reflect changes in national guidance around peer on peer sexual abuse during those periods. Over 300 cases were analysed for the time periods resulting in 28 cases concerning peer on peer abuse.
- There were apologies for the delay to the presentation of the report which was partially due to the flooding earlier in the year and the covid-19 pandemic but also the misjudged report taken to the meeting in June.

- The report proposed 11 recommendations which exceeded the terms of reference of the report but were intended as next steps for the council. The recommendations were an outcome of the findings and research undertaken to write the second report.
- There was also a section in the report outlining what the council has done as a consequence of the review and what could have been done differently.
- The report covers the cases from Mosaic from the defined periods and it is acknowledged that some of the record keeping from the earlier stages of the review period was incomplete or imperfect. There has been an improvement in recording since this time.
- Schools were contacted to ask what they did or didn't do in respect of cases.
- No families or children were contacted as part of the review.
- The report sought to avoid causing harm or identifying any individuals involved in cases which was a challenge when outlining cases with specific and complex details in the published appendices.
- The seriousness and severity of the impact of the issue on families was understood and it is regarded as a high priority. The report was complete but the recommendations were proposed and yet to be finalised.

The Leader of the Council explained that following the scrutiny committee on 25 November 2019 he had a conversation with a member of the public concerning what assurances the council could provide over its handling of peer on peer abuse cases. The Leader felt that assurance could not be provided without an investigation of historic cases and therefore commissioned the review; other approaches to understanding peer on peer abuse cases or seeking assurance may not have included a review of cases but the logic of this was not understood.

The Chairperson of the committee explained that the peer on peer abuse in schools spotlight review had taken place in December 2019 and was grateful that the Leader had commissioned the review to enable a recommendation that the scrutiny committee review the report once complete.

The Chairperson of the committee explained that the role of the scrutiny committee was to be a critical friend, to generate shared learning, to ask questions, to challenge officers and portfolio holders on behalf of elected members and members of the public. The committee was unable to undertake its role effectively if it was not provided with all relevant information to do so. A point of learning from the process around the scrutiny of peer on peer abuse had been that good scrutiny was not possible if there was not ease of access to relevant information. The committee initiated work on the peer on peer abuse topic a year previously and anger was expressed that it had been difficult to receive some elements of the report currently in front of the committee. It had been felt that the spotlight review would have provided the opportunity to allay the fears of members of the public and provide assurance that schools would know what to do when dealing with a case of peer on peer abuse. The report demonstrates that this assurance still cannot be provided. The Chairperson was angry that she had been told that certain documents could not be shared as they were not in the ownership of the council which undermined the work of the committee and spotlight review. The Chairperson reflected if the committee and if she were curious enough during consideration of the topic but it was not possible to be aware of information that had not been shared with the committee. There was a need for a greater level of trust in scrutiny and the process.

The Chairperson explained that some of the responses that members may receive to questions might not be as full or comprehensive as they might expect which was a consequence of changes to individuals in roles at the council therefore it would be difficult to account for some of the decisions and actions outlined in the report.

The Chairperson explained that two of the public questions to the meeting required consideration by the committee.

The committee raised the comments below concerning the public questions:

Ms Trumper's question

- The use of the term 'unhelpful' to describe the decision to not share the CSO report was felt to be dismissive language. It was not acceptable; anonymity could be preserved in such situations without the use of such language. It was queried whether schools currently have access to risk assessments and assurance was sought that schools were aware of their responsibilities. *The ADED&S explained that the use of the word unhelpful had not been intended to be dismissive. In regard of schools awareness of their responsibilities the report provided detail of the actions undertaken since the issue was raised including changes to Mosaic, training events, designated safeguarding leads training events, attempts to influence the national picture and the appointment of an education safeguarding officer. Ofsted had recognised the progress made in December 2019 including the issuing of two toolkits. Policy changes had been undertaken and further changes were imminent from the education safeguarding officer. Policies were being updated to take account of new national guidance over the summer. A number of audits were examining recording on Mosaic. It was felt that as a consequence of all this work schools were well prepared to start the new school year but it was acknowledged that this did not mean that the guidance was complete. There was now an intention to issue a model policy, which had been developed after contact with other local authorities. All schools were expected to adopt the policy or explain the reasons why if they choose not to adopt model policy. It was felt that the evidence from schools during the spotlight review indicated that practices were much stronger but it was acknowledged that more work needed to be undertaken.*
- The language used in the report did not adequately describe the decision to not share the CSO report. It was recognised that progress had been made but the review was an opportunity to assess if learning had taken place and if practices had changed as a result which reflected that the council was an organisation which could apply lessons learned. It was not possible to make this assessment from the report. A problem encountered with work around the issue has been a risk aversion to anonymity and confidentiality; it was not understood why the use of the word 'unhelpful' needed to be used to protect anonymity. It was not understood why it was not possible to share learning around the Human Rights case which should be included in the review and it was not understood why the learning from the CSO report could not be shared. Anonymity was not felt to be an impediment to sharing these details. *The ADED&S explained that in terms of anonymity language was sought which did not identify individual cases. There was uncertainty concerning the issues that were raised with the word; it was felt to make clear that to not share the recommendations in the CSO report was unhelpful and it would have been better to have shared the recommendations at the time. The decision was taken not to share it at the time and developments in expertise and guidance in the area had occurred. He apologised if the wording was not felt to be correct but it was not intended to hide anything but demonstrate that it should have been shared.*
- It was noted that the report was commissioned in April 2017 at which time there was no national guidance. The lack of national guidance was made clear at the spotlight review. It was also explained that national guidance did not come out until December 2017, therefore there was a period of 8 months where there was no national guidance other than normal safeguarding guidance to schools. A decision was taken not to share the recommendations from the CSO report which were good recommendations at the time and better than no guidance. One

reason provided for not sharing the recommendations was that they were not sufficiently robust but this was not understood. It was felt that the recommendations and risk assessment could have been issued at the time it was completed as a temporary measure until an alternative policy and guidance was in place. The CSO report recommends that the council should produce a policy and three years following its completion the report currently before the committee contains a recommendation to introduce a policy. It was not understood why the recommendations were not felt appropriate when there was no policy. This was compounded afterwards at the spotlight review where no mention was made that the CSO report had been completed with recommendations and a template risk assessment. The reasons for not providing the report had been that it was not in the ownership of the council and that the recommendations were not sufficiently robust. Neither was accepted as a compelling reason for the report not to be circulated. *The DCF explained he was sorry if the members felt that they had been placed into a difficult position regarding the spotlight review. The information about the 2017 report was provided in verbal briefings and the council should have done more and issued it at that time. There were other risk assessment tools around but it was recognised that the council should have been stronger and clearer in terms of what was issued and the written guidance on policy at that time. The council did undertake briefings and it was regularly on the agenda of primary and secondary heads and Chairs of Governors meetings over a number of years but it was acknowledged that written guidance should also have been provided.*

- An explanation was requested why it was difficult for scrutiny to receive a redacted copy of the CSO report. The council needed to recognise the importance of scrutiny. *The head of legal services committed to providing an answer to the query raised.*

The Leader of the Council was aware that one of the reasons that the CSO report was not circulated was that it did not belong to the council which was felt to be an extraordinary claim. The council was supposed to act in the best interest of the child and to support this focus the council should have shared the information in its possession. It was requested that the head of legal services investigate why the justification that the report was not owned by the council was felt to be an appropriate reason to not circulate the document. It was hoped that now the best interests of the child would inform the actions of the council.

Mrs Burn's question

- It was important that all relevant information was considered as part of the review. The Human Rights Act case was raised and why mention of it was not included in the review of cases. It was understood that the Human Rights Act case fed into the department for education guidance and would appear crucial therefore it was queried why it was omitted from the report. *The ADED&S explained that the case was referenced in the report. The report did not consider the case in detail as it was not required under the terms of reference of the review. It was not omitted nor was there an attempt to hide any information but the information had only been available recently. The head of legal services explained that there was a case involving a Herefordshire school which was issued against the school not the local authority. There was not a determination by a court made in respect of the claims issued against the school.*
- It was acknowledged that a lot of information had become known recently but reassurance was sought that schools now have been briefed on the Human Rights Act case and how it informed the enhanced guidelines. *The ADED&S explained that he was confident it had but that the case pre-dated his time at the council. He attended training and briefing sessions ahead of Christmas 2019 including a conference in November attended by all schools which was led by a*

national expert who referenced Human Rights legislation and the Equality Act in relation to peer on peer abuse.

The points below were raised in the debate of the report of the review:

- Assurance was requested that schools had been checked to ensure that policies and risk assessments were in place and this had not been lost in work around the covid-19 pandemic. *The ADED&S explained that this not been undertaken specifically regarding peer on peer abuse polices but it was included in all schools risk assessment activity generally. All schools risk assessments had been examined recently including a generic risk assessment issued with health and safety advice and guidance which included safeguarding elements. This was not specifically an inspection of peer on peer abuse policies and risk assessments but this would be undertaken in the future.*
- The process of reconciliation was raised and it was queried if there had been any progress with the initiative. *The ADED&S explained that the process of reconciliation was included in the recommendations and had been the subject of a number of discussions. It was felt important to involve families affected who have expertise to contribute to its development and help shape the process. A process would also have to vary due to range of different cases and the level of engagement some families would want. Provisional ideas existed for the process but there needed to be consultation with families to develop the proposal. The recommendation for the process of reconciliation was felt to be a very important recommendation upon which other recommendations were dependent.*
- It was not acceptable to use phrases such as ‘we are confident that schools will adopt’ in reference to the model policy. The council must know which schools would be adopting the policy. There needed to be an understanding why those schools who did not adopt the model policy were superseding the council’s document and if they had a better policy the council should seek to secure it to strengthen the model policy. *The ADED&S explained that the model policy will be issued and it would be known which schools were adopting it. If schools did not adopt the policy they would be asked to explain why not which would happen by December 2020.*
- There was frustration that the report did not give the answers to the questions and concerns that had been expressed to the committee by members of the public. It was felt that whilst the report provided an honest account of the cases from the review period it did not capture some of the feedback from the spotlight review and the questions received by the committee from members of the public. The report also highlighted how in many cases there was no further action taken which suggested that there were a lot more cases that were not known about and the issue as a whole was not widely understood. Such elements accounted for the frustration with the report.
- It was queried whether the school referred to under paragraph 2.26 (h) of the report was visited again. *The ADED&S explained that the visit did happen and the school had been acting appropriately but it had not been properly recorded.*
- The lack of national comparative data mentioned in 2.27 (h) of the report was raised as evidence that the issue was not fully understood and what progress had been achieved to promote the compilation data. Without this data it was not felt that a report could be written to respond to the frustrations of people who do not believe the issue was being adequately addressed. *The ADED&S confirmed that the national data that was available was not strong but that comparative data had been found at some partner agencies such as the West Mercia rape and sexual abuse support centre (WMRSASC). Part of the recommendations was to work with Ofsted and the Department for Education (DfE) to improve the availability of comparative data. Some data had been found in a University of Bedfordshire report, Beyond Referrals. The council had completed a lot of*

learning in the last two years and was in a good position to help Ofsted and the DfE.

- The enhancement to the induction process in recommendation (h) was supported and it was queried if it would be in place by the end of September 2020. *The ADED&S explained that this could be achieved by the end of September.*
- It was queried whether the annual audit in 2.29 (b) of the report was sufficiently frequent. *The ADED&S confirmed that the audits could be more frequent than the annual audit of school safeguarding policies. Quarterly audits of the information on Mosaic were undertaken.*
- The outline risk assessment and model policy were raised and the importance of a quality assurance process. *The ADED&S explained that the new education safeguarding officer would undertake this work which would be starting very shortly.*
- An update on the reconciliation process proposed in recommendation (k) was also requested and it was felt important that there should be two stage process. A short term reconciliation process for people asking questions and a longer term process for comprehensive engagement with families and children consistent with the suggestion of the ADED&S. *The ADED&S explained that it was likely that there would be a number of different models emerging which would be applicable to different cases.*
- There was a recognition of the impact on families and sympathy was expressed for their suffering.
- A model policy which provided a single form of guidance was welcomed in place of briefings, powerpoint slides and training. A document which set out what actions a school should take in response to a case of peer on peer abuse had been requested but none had been forthcoming. *The head of legal services explained that if members are refused access to information they should raise the matter with the monitoring officer directly. In future the head of legal services would ensure that she was present at all meetings or the head of children's legal to raise issues with legal officers.*
- There was some confusion between recommendations (b) and (j) and what constituted policy and what was considered guidance. It was understood that policies were the responsibility of the schools; the council could provide a model policy but it was the decision of the school to decide what policies they adopt. It was commented that the council should be providing county-specific guidance which provides a flowchart concerning actions to be taken where live cases could be mapped and monitored. The flowchart should contain reference to local organisations. *The ADED&S explained that recommendation (j) to issue guidance and policy was being progressed. If schools chose not to adopt the council's model policy then it should be made clear to them what their policy should contain. A flowchart had already be provided to schools and the audit work contains a question on its use. One of the recommendation concerned the council giving consideration to working with other agencies and resourcing them accordingly; WMRSASC was an example of such an agency with a lot of expertise the council could utilise, together with a comparative dataset.*
- The flowchart concerning how schools respond to a report of peer on peer abuse was supported but it could be enhanced with yes and no actions and to make actions in the flowchart accountable to individuals and set timelines. The flow chart should also be regularly tested using scenarios to determine it was fit for purpose. It was essential that there was a consistency of response across all schools in Herefordshire to cases of peer on peer abuse. It was critical that better accountability for actions and timelines were included in documents to ensure efficient and effective responses to reports. *The ADED&S agreed that the flow chart could be improved with contacts, timelines and yes/no actions. The importance of consistency across schools was acknowledged which would be monitored by the education safeguarding office. One of the recommendations*

concerned a schools network of support to ensure schools were aware of what actions were required and when.

- It was recognised that not all cases of peer on peer abuse would be reported to the Multi Agency Safeguarding Hub and psychological and emotional harm could prevent some victims from reporting abuse. The statement in paragraph 1.3 of the report that stated 'no children were put or left at risk' was queried. It was accepted that it might be possible to make this statement in respect of physical risk but in terms of psychological or emotional risk it was not credible. Psychological and emotional problems were likely to result from sexual abuse which would not necessarily be known or recorded on Mosaic. Psychological and emotional risk to children could not be accurately assessed therefore the statement could not accurately state that no children were put or left at risk. The committee did not agree or accept the finding that no children were put at or left at risk. *The ADED&S explained that the statement was in respect of the 28 historical cases where there was no evidence that children were put or left at risk. The emotional and psychological risk was acknowledged. The ADED&S explained that the Beyond Referrals report contended that around half incidents of peer on peer abuse are not disclosed.*
- The national guidelines around separation of pupils in cases of peer on peer abuse was raised and the advice that separation continued for as long as possible. This advice was felt to be vague and subjective. *The ADED&S explained that the advice was contained in the national guidance and it was weak.*
- The lack of recording of information on Mosaic was raised and the problem of accessing detail for the earlier period of cases in the review. A problem with recording was an issue throughout children's services and although it had improved significantly there was still further improvement necessary. The current review highlighted the importance of ensuring complete and accurate records. *The DCF explained that there was ongoing work in the improvement plan to improve recording including use of technology. It was acknowledged that in earlier years there had been cases where there had been poor recording and it was a longstanding issue. Improvements were evidenced by regular audits and it continued to be a focus for the service. The ADS&FS explained that in some cases there was not a referral to MASH and in such incidents there would not be any recording on Mosaic; schools did not use the system it was only used by social care. There had been significant audit work including multi-agency work in MASH and officers were asked to record decisions by MASH and the reasons for those decisions. Essex CC would undertake a review of the quality of the work in MASH including the recording. The ADCSQ&I explained that recording was an issue in a number of local authority areas; recording needed to be proportionate and purposeful and should tell the story of a case and the key decisions taken. Improvements were being made and Otter was a new reporting tool that was being used.*
- The role of the committee in the future in respect of peer on peer abuse cases was raised. It was felt that it should maintain an oversight through performance reporting and through performance challenge sessions where data around the number of cases was presented. It was proposed that the committee maintains a watching brief. Any concerns over reporting rates would prompt a report to the committee to explain the trend.
- The committee were content that the recommendations emerging from the review were considered by cabinet as set out in the report and that the timelines were finalised. *The ADED&S explained that some of the timelines concerned recommendations that were beyond the control of the Council such as influencing Ofsted and DfE*
- The cases that were still open in the report were queried. It was asked if they were following improved processes and if resolution would occur in a satisfactory and timely manner. *The ADED&S explained that he was confident of the*

progress of cases but not all were under the control of the council. Some cases required a decision by the police which was currently awaited. This was an issue for the council as to how it could expedite cases that were beyond its control and national guidance did not set out timelines within which cases should be progressed.

- The impact of peer on peer abuse on children and their families was understood and a structured response plan for engaging with families was required and support for children and young people beyond the incident.
- Thanks were expressed to members of the public and their persistence in raising questions and concerns. Thanks were also provided to the Leader for commissioning the report which had begun to uncover details and issues concerning the historic handling of the issue. It was emphasised that the committee needed information in order to undertake effective scrutiny and this information had not always been available. Throughout the period that the topic had been under consideration by the committee wider questions about how children's services had worked in the past and the culture of the service had been raised. *The ADED&S explained that the cases should not be treated as incidents but as a wider issue about the culture of safeguarding in the council.*
- A summary at the end of the report to explain the scrutiny committees' recommendations was proposed and a recognition that this was the start of understanding the issue. It should be explained that more data gathering was required and that new guidance and protocols were being developed. Further it should be acknowledged that there were still a number of elements that were not known about peer on peer abuse and that the recommendations and new processes being put in place were an attempt to address the problem.
- The committee was content that the details in the two public questions had been addressed.

The cabinet member children and families acknowledged the value of the report and that it had been a worthwhile process to understand the issue. The role of the families concerned was emphasised and their contribution was recognised and praised. They had helped to ensure that a thorough review was conducted resulting in proposals for improvements. It was recognised that there was still much that the council was not aware of which should prompt consideration of the culture that surrounds such issues. Preventative work should be promoted such as sex and relationship education which should help to create a different culture. The appointment of the education safeguarding officer was a positive step to progress the work in the recommendations of the review including the model policy. The proposal for a reconciliation process was also encouraging to engage with families and learn from their experience.

The DCF thanked the families who had contributed to promoting a deeper understanding of the issue. The committee would be supported to undertake its work and to function effectively.

The ADS&FS drew attention to the work commissioned by the NSPCC and the need to find relevant services to provide support following a case of peer on peer abuse. The impact on a victim might persist into adulthood and the commissioning of appropriate support services needed to be considered. There was also the need to think about services for perpetrators in order to alter the behaviour of an individual who had abused their peer.

The Leader explained that work with the perpetrator was undertaken by WMRSASC. Peer on peer abuse was a broader societal issue and which was evidenced by the very poor prosecution figures; the council would undertake any work it could to address cultural issues which impacted on the problem.

Councillor Carole Gandy proposed and Councillor Phillip Howells seconded the recommendations of the committee which were approved unanimously.

That the committee:

- **Calls on the executive to consider the recommendations of the committee during its finalisation of the Peer on Peer Review Herefordshire MASH 2017 - 2019 report;**
- **Recommends that the report is strengthened to provide an explanation as to why the CSO report of April 2017 was not circulated to schools prior to the commencement of the summer term in 2017 together with the risk assessment template. An explanation as to why it was not shared or mentioned at the peer on peer abuse in schools spotlight review is also required. The use of the term ‘unhelpful’, to describe the decision to not share the report, should be reconsidered and a stronger term adopted;**
- **Recognises that risk posed to victims of peer on peer abuse is not merely physical but also emotional and psychological. In light of the handling of some cases detailed in the review report the committee recommends that there is a reassessment of the finding in the review that no children were put or left at risk;**
- **Retains a watching brief, through the quarterly performance report, on the reporting rates of peer on peer abuse and the performance of the council in response to reported cases. This progress will be monitored at meetings of the children and families performance challenge. Any concerns with reporting rates or the performance of the council will prompt a report to the following meeting of the committee to explain concerning trends;**
- **Recommends that the *Response to Reports* flowchart for Herefordshire schools (appendix 1 of the review report) is enhanced with yes and no actions and is regularly scenario-tested with schools by the council. The flowchart should incorporate details of individuals accountable for actions and timelines for the completion of actions;**
- **Recommends that schools that do not implement the model policy are held to account for the decision not to implement. Schools should be encouraged to share any policy which they feel supersedes or is superior to the model policy produced by the council;**
- **Recommends that when consideration is given to the process of reconciliation there should be an assessment of long and short term processes to provide a variable response tailored to needs of children and families affected by peer on peer abuse. A longer term process would provide for comprehensive engagement with children and families who required and requested this level of reconciliation. A shorter term process would provide for those children and families who did not want or did not need to engage with the longer term approach**
- **Recommends that a comprehensive plan of help and support for victims of peer on peer abuse and their families is developed by the council. This should include detail of what ongoing mental health support for children and families would be available.**

- **Recommends that clarification is provided in the report around the distinction between policy and guidance. There should be an explanation of who was responsible for: providing peer on peer abuse policies for use in Herefordshire schools; the adoption of such policies; the production of guidance; and the sharing of new guidance.**
- **Recommends that the timelines in the recommendations in the review report should be finalised and include the title of those officers responsible for actions.**
- **Recommends that a summary is provided at the foot of the review report detailing the scrutiny committee's recommendations and providing a recognition that the report was the start of a process to understand and address peer on peer abuse in Herefordshire. The summary should explain that not all elements of peer on peer abuse were understood and that improved data gathering, new guidance and new processes were being developed to attempt to come to terms with and address the issue.**

9. DATE OF NEXT MEETING

The date of the next meeting was 1 December 2020 at 1.00 p.m.

The meeting ended at 4.49 pm

Chairperson

Appendix 1 - Schedule of questions received for meeting of children and young people scrutiny committee – 15 September 2020

Agenda item no. 5 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Mrs M Steel, Hereford	When did the Chair of the CYP Scrutiny Committee first become aware of the existence of the CSO report and concerns from the public that the same safeguarding mistakes identified in the CSO report had been repeated in other schools and caused material harm to children?	Chairperson of the Children and Young People Scrutiny Committee

Response:

I was aware of the CSO report in February/March 2019 from a member of the public. At that time my understanding was that the report was in the ownership of a school and I did not become aware that Herefordshire Council had retrospectively funded the report until the morning of the meeting on 2 June 2020. Therefore, until then I did not believe that Herefordshire Council had the legal right to refer to or disclose elements of that report as it had been commissioned by the school.

During February/March 2019 I was advised by the same member of the public that in their view safeguarding mistakes were being repeated in other schools and as a result of my discussions I committed to include the topic in committee's work programme following the local elections in May 2019. A spotlight review was then held in December 2019.

At the meeting the Chairperson made the following statement to clarify the answer to the first public question from Mrs Steel:

I believe that at our meeting in June 2020 I stated that the CSO report had only recently come to my attention. That was misleading on my part and I should have said the ownership of the CSO report had only recently come to my attention. As I have explained in my response to Mrs Steel's written question. I apologise for my clumsy wording and hope that my written response has clarified my knowledge of the CSO report.

Supplementary Question:

Thank you for your answer which acknowledges that you were alerted by a member of the public in early 2019 to a very serious safeguarding failure and "concerns from the public that the same safeguarding mistakes were being repeated in other schools".

While the spotlight review which you commissioned was welcome, it took place 10 months after the safeguarding concerns had been shared with you, and the scoping of that review which you oversaw allowed officers to explicitly exclude from the review any scrutiny of past cases.

It appears that you were silenced from taking any other steps in response to the safeguarding concerns that had been shared with you on the pretext that the legal ownership of the CSO report prevented you from sharing your concerns. Who advised you not to speak up for legal reasons?

Response to Supplementary Question by Chairperson of Children and Young People Scrutiny Committee:

For the length of time between being advised by a member of the public of the existence of the CSO report and the spotlight review I can only apologise. When I became aware of the report the Council was about to move into purdah ahead of the May 2019 local elections. The annual meeting of the Council was not held until the end of May. A committee of new members was formed which needed to receive training in scrutiny; the committee was formed of all newly elected councillors apart from me as Chairperson. Council meetings do not generally occur in August therefore the first opportunity the committee had to consider the scoping document for the spotlight review was September which was followed by providing invitations to teachers, voluntary sector and health organisations. It was recognised that for members of the public it may seem like a long time but in terms of local government it was not.

I have found it difficult to obtain all the information needed in order to conduct a scrutiny spotlight review which I felt would bring out all the issues on peer on peer abuse and some of these issues I and other members of the committee will be referring to during the debate on the report at the current meeting.

I will provide a written response to the concerns that you raise in order to provide more detail.

PQ 2	Ms E Steel, Hereford	When did the Cabinet Member for Children and Families first become aware of the existence of the CSO report and concerns from the public that the same safeguarding mistakes identified in the CSO report had been repeated in other schools and caused material harm to children?	Cabinet Member Children and Families
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Response:

I attended a meeting in March 2019, before I became a cabinet member, with the then cabinet member, officers, and families of children who had suffered assaults from their peers. The report was referred to, and concerns raised that mistakes continued to be made and that children were not being separated.

Supplementary Question:

Thank you for your answer. You acknowledge that you heard first-hand testimony from families in March 2019 about the failure to safeguard children. You also acknowledge that those families raised concerns that mistakes continued to be made and that children were potentially still at risk.

At that meeting, you supported their call for an immediate review of past cases to ensure that no child was still in school alongside their abuser. However, once you became Cabinet member, your position changed; you were no longer willing to meet with the families, and you no longer supported an urgent review of cases to ensure all children were safe.

Please can you explain why you stopped supporting calls for a review to check all children were safe after taking up your Cabinet position?

Response to Supplementary Question by Cabinet Member Children and Families:

I have continued to share concerns that have been raised. I was as shocked as anyone at that meeting with the detail that was shared and my immediate response was to ensure that children were no longer at risk. I did talk to officers and received a briefing before I was cabinet member. As cabinet member I was in a different situation, at that point my priority was to look at care and support that we were providing to young people at the time and to follow up

the policies, activities and actions that were in place. That has been my priority although I agree that I have not looked back sufficiently thoroughly as I should have done and I think we all regret that. The review we are looking at today is a valuable piece of work and goes a long way towards addressing an examination of previous cases. Please be assured that the concern I felt at the time has never gone away and I feel this is an issue which needs a huge amount of support and I am increasingly assured by what we now do, the policies we have in place, the advice we provide to schools and actions that schools take as the assistant director education, development and skills outlines in his report. It is a thorough report but there is more that we need to do, we need to work with local authorities to share good practice and this is my focus. In retrospect I do regret not looking more closely at the past but I have always felt that my priority must be a focus on what we are doing now and how we are supporting children currently.

PQ 3	Ms Liddle, Ledbury	<p>In March 2019, in Plough Lane, the Director and the Cabinet Member for Children and Families listened to two families talk about the terrible impact on their children of being left in school with a boy who had seriously sexually assaulted them. The youngest of these victims had to leave her school to get away from the perpetrator, who now has a criminal conviction for the assault on her. This case post-dated receipt by the Council of clear advice in the CSO report which could have ensured the separation of victim and perpetrator.</p> <p>In Herefordshire MASH's <i>Peer on Peer Review (2017-2019)</i> it is claimed that "no child was put or left at risk" (section 1.3). How can the Director publish and the Cabinet Member endorse this statement after hearing first-hand testimony to the contrary from families?</p>	Cabinet Member Children and Families
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Response:

Cabinet expressed concern about the lack of clarity in the way this particular case is represented in the report. This was complicated by the police insistence that no detail which might identify the child should be included. This report is limited in its scope to the examination of the written records held on actions taken within schools for historic cases. The report acknowledges that a number of cases do not have complete written records. Within these limits, the investigating officer has found no evidence in the records of harm or risk of harm. This does not mean that harm did not occur. Following the debate on the report, if it is still unclear, this will be further investigated.

Supplementary Question:

Four reasons are given for the incorrect claim in the Peer-on-Peer Review that 'no child was put at risk' of harm.

The first, concerning anonymity, is irrelevant because anonymity is not sacrificed by identifying that 'a child' was put at risk.

The other three are based on data in written documents that show no evidence of harm. But if you only examine data sources that show no evidence of harm, you will inevitably find no evidence of harm.

It is clear the review excludes data sources that do reveal evidence of harm. This evidence was known by the Director of Children's Services, Cabinet member for Children's Services and Chair of Children's Scrutiny, all of whom knew harm had occurred.

Why are those in charge of children's safeguarding determinedly ignoring first-hand verbal testimony of harm from the children and families affected?

Response to Supplementary Question by the Director Children and Families:

I too would like to begin by paying tribute to all members of the public who have continued to raise these issues and acknowledge the deeply personal and distressing circumstances. I acknowledge their courage and dignity in continuing to raise these issues and the effect this has had in drawing attention locally and nationally to these matters. We do take into account the views of individuals and their testimony and we have done that in our individual work for those children and continue to do so. It is right that the review that the assistant director education, development and skills has undertaken did have specific terms of reference and scope. It was followed up with the schools and we were clear about taking into account what we understood whilst also not contacting individuals again. I recognise that we should have made more in terms of linking different aspects together.

PQ 4	Ms Trumper, Hereford	<p>The CSO report – dated April 2017 - gave clear and unambiguous advice on how a child who has disclosed a serious sexual assault should be safeguarded. Furthermore, attached to the original version of the CSO report was a generic risk assessment created to help teachers put in place a proper safety plan for future victims.</p> <p>This risk assessment was not shared with schools until Autumn 2019. It is not attached to the redacted CSO report and is scarcely referenced in Mr Morgan’s analysis. The failure to share the clear lessons from the CSO report and the CSO proforma risk assessment with schools is glossed over as “unhelpful” and “a potential weakness.”</p> <p>Are the Committee happy that this language adequately describes the Council’s decision not to share crucial safeguarding guidance and that no explanation has been given for this “unhelpful” decision?</p>	<p>Cabinet Member Children and Families</p> <p>Chairperson of the Children and Young People Scrutiny Committee</p>
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Response:

Cabinet Member Children and Families:

I would agree that the language used does not make clear to members of the public how seriously this is regarded. I will be happy to consider the comments of the committee and review the matter further.

Chairperson of the Children and Young People Scrutiny Committee:

Thank you for your question. I have concerns over this wording in the report and I will ensure that the committee will debate this at its meeting on 15 September; until it has had the opportunity to debate the content of the report and resolve recommendations it will not be possible to come to a view on the issues you raise. When the report is debated at the meeting I will ensure that this question is put to the committee and I will invite members to make comments around this issue.

PQ 5	Mrs Burns, Hereford	<p>In the <i>Peer on Peer Review (2017-2019)</i>, there is an admission that “there was no full consideration or advice given at the time about additional human rights or equalities legislation.”</p> <p>What is not included in Mr Morgan’s report is the admission that from September 2017 Herefordshire Council lawyers were aware of legal action against a Herefordshire school for breaches of the Human Rights Act and the Equalities Act in connection with the failure to properly safeguard a child after she disclosed she’d been raped by a school peer.</p> <p>Is the Committee concerned that Council officers did not feel it appropriate to pass on advice to other Herefordshire schools in 2017 about their legal duties to protect children, in order to prevent further breaches of both Acts and harm being done to other children?</p>	<p>Cabinet Member Children and Families</p> <p>Chairperson of the Children and Young People Scrutiny Committee</p>
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Response:

Cabinet Member Children and Families:

I agree, and the report acknowledges, that the recommendations in the CSO report should have been shared at the time. Some advice was shared with schools in 2017 in training and briefing sessions, but this advice was not provided in writing. The advice provided to schools in seminars on this matter has become clearer and more detailed since then. The report proposes lobbying the DfE to improve their guidance, and commits the council to further improving the guidance shared locally.

Chairperson of the Children and Young People Scrutiny Committee:

Thank you for your question. As with my response above I share concerns over the handling of the CSO report and I’ll ensure that this is part of the committee debate at the meeting on 15 September; until it has had the opportunity to debate the content of the report and resolve recommendations it will not be possible to come to a view on the question you raise. When the report is debated at the meeting I will ensure that this question is put to the committee and I will invite members to make comments around this issue.

Supplementary Question:

Both the Cabinet Member and the Chairperson have misunderstood my question. The question was not about the failure to share the advice from the CSO report. The question was about another “missed opportunity” – the failure to share learning from the ground-breaking legal action taken by a Herefordshire child under the Human Rights Act and the Equality Act. Herefordshire Council was acting for the school in this matter from Sept 2017, and since then has been in a good position to advise schools in some detail on their legal duties under those two Acts.

The Directorate’s report fails to mention this highly relevant legal action and the opportunity it gave Herefordshire Council back in 2017 to take proactive steps to protect other children from harm.

Why has mention of this very significant opportunity been omitted from the report?

Response to Supplementary Question by the Assistant Director Education, Development and Skills:

It has not been omitted from the report. It has been carefully worded to protect the anonymity of people involved in that case. There is a section on it in the report, it was under the review that we couldn't share the CSO recommendations from 2017, subsequently it has been realised that national guidance, Ofsted and DfE guidance has been developed and has taken the place of what would have been shared in 2017. The report makes clear that not sharing the advice and recommendations from the CSO report was not helpful. The word unhelpful was used in the report to protect the anonymity of the individuals and families involved.