

Minutes of the meeting of Children and young people scrutiny committee held at Committee Room 1 - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Monday 25 November 2019 at 10.15 am

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

Councillors: Graham Andrews, John Hardwick Phillip Howells and Mike Jones

Co-optees: Pat Burbidge and Andy James

In attendance: Councillor David Hitchiner, Councillor Liz Harvey and Councillor Felicity Norman

Officers: Chris Baird (Director of Children and Families), Andrew Lovegrove (Chief Finance Officer) and Liz Elgar (Assistant Director Safeguarding and Family Support).

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Paul Andrews, Councillor Kath Hey and Nicola Kinson.

22. NAMED SUBSTITUTES

Councillor Graham Andrews acted as a substitute for Councillor Paul Andrews.

Councillor John Hardwick acted as a substitute for the Herefordshire Independents vacancy on the committee.

23. DECLARATIONS OF INTEREST

There were no declarations of interest.

24. MINUTES

The minutes of the meeting held on 16 September 2019 were agreed as a correct record and signed by the Chairperson.

25. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 7 - 10)

The questions and supplementary questions received from members of the public are attached at the appendix.

26. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from members of the Council.

27. REVIEW OF BUDGET AND CORPORATE PLAN PROPOSALS FOR 2020/21 RELATING TO THE REMIT OF THE CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE.

The committee considered a report by the Leader of the council which outlined the draft budget and corporate plan proposals for 2020/21. The chief finance officer (CFO) introduced the report and provided the presentation attached to the agenda. The CFO explained the process to be followed in developing the budget which would see it return to the January meeting of the committee and explained the themes contained in the corporate plan. He explained that a proposed pooled budget for social care would cover adults and children and would allow the council to determine where spending should be committed in future to meet pressures. The capital investment priorities in the children and families directorate were outlined.

The director children and families (DCF) explained that the budget was set in the context of the new children and young people's plan and the priorities contained within the plan. Work on the priorities from the plan was undertaken with a range of partners who were also looking at financial constraints and issues as well as what more could be done. Within the Council the education, development and skills strategy had been included from the last three year period which contains different areas currently being worked on including early years settings, schools, colleges and other partners; some of this relates directly to the capital budget including the school investment strategy. The safeguarding family support development plan which is a one year plan within the service of the different areas being worked on which prioritised that work which could be done at an earlier stage to prevent children becoming looked after to continue to seek to address the high level of looked after children in Herefordshire. Proposals in the budget included the improvement of practice around social work practice and retention and recruitment. The current pressures consisted on placement costs, corporate contingency was in place to address where there was need for additional spend on children services however a lot of work was undertaken to attempt to keep costs within budget. There were a number of pressures including county lines which the council was working closely with the police and it was an area where the needs of children were having to be met to ensure they were safe. Supported accommodation costs had increased particularly with respect to care leavers; the council had acquired additional duties recently and were responsible for care leavers up to the age of 25. One of the proposals was to develop services to meet need earlier including edge of care to increase support for families and children who need to be cared for outside of the family. The services sought to work with families and carers to return children to the family network as appropriate; work had been ongoing with Staffordshire to learn about practice in edge of care work but cabinet had agreed some funding to support the development of the service.

The cabinet member children and families explained that investment was targeted in those areas where it was required.

The cabinet member finance and corporate services explained that the consultation that had been undertaken had engaged a significant number of consultees to help prioritise investment and determine the priorities in the corporate plan. The budget proposed an uplift in the revenue budget for children and families which was intended to support an aspiration to get to a 'good' Ofsted rating for children's services and to support children. The investment that was planned proposed transformational change to address the level of looked after children however it was important to retain a perspective on the breadth of services provided by children and families including educational attainment.

The Leader explained that the significant issue facing the budget was the number of looked after children and the challenge was to meet more of their needs without the need to come into care.

The committee made those points below in the debate that followed:

- There was support for the areas identified for the planned investments for looked after children, edge of care and improving social care services.
- The level of the increase in the base budget for children and families was queried and how additional pressures would be met if they arose during 2020/21. *The CMF&CS explained the significant increase in the base budget but account needed to be taken of the savings agreed previously and the additional pressures the service was experiencing which meant that how money was being spent in the directorate was shifting. The increase to the base budget was separate to the planned, additional investment. It was acknowledged that individual social cases were not predictable but the financial parameters and pressure for the children and families budget were understood. The CFO concerns the 18/19 base budget was £23.4 million, in 19/20 it was £27 million and for 20/21 it is proposed to be £30.4 million. There was a different approach in the previous year when a contingency arrangement was put in place.*
- It was queried why savings targets were included in the budget if there were such unpredictable pressures. *The DCF explained that savings and efficiencies could still be achieved in certain areas of the service.*
- It was queried when the preventative work funded from the planned investments in the budget would commence. *The DCF explained that the cabinet had made an initial investment in May 2018 to increase early help and family support work as prevention and also to provide more capacity for social work.. Work was also ongoing in respect of the edge of care service and there was engagement with Redbridge Council to look at what more could be done to coordinate early help and the MASH. Work was ongoing with partners to define early help and how work could be undertaken with schools and early years settings to ensure effective coordination.*
- The work that was to be undertaken in respect of dental health was raised; what budget was available and what was planned? *The DCF explained that public health were working with NHS England and seeking to support parents to improve the dental health of children.*
- It was queried how the current situation at the Brookfield school had arisen. *The interim Education and Capital manager explained that the school was the only SEMH school in Hereford and demand for places was high. The nature of the site and setting of the school was constrained which made improvements difficult. It was recognised that investment and improvement was required which the business case set out.*
- The costs associated with care leavers in the report were queried and how many were supported. *The DCF explained that the costs concerned the provision of supported accommodation for care leavers. The number of care leavers currently being supported would be provided after the meeting.*
- It was queried whether the investment planned was sufficient to meet the challenges faced by children's services. *The CMC&F (cabinet member children and families) explained that a realistic approach to meeting challenges was being undertaken with new ways of addressing issues proposed. The CMF&CS explained that investment was targeted to realise improvements in the long term; to divert children from care at an early stage by funded preventative services.*

RESOLVED: That the committee:

- **Supports the planned investments for looked after children, edge of care and improving social care services and requests further information is submitted to the committee regarding proposals for these services; and**

- **Asks that a report concerning the dental health initiatives is provided to the committee setting out key performance indicators for the proposals.**

28. UPDATE ON REDUCING THE NUMBER OF LOOKED AFTER CHILDREN (LAC)

The committee received a report from the director children and families concerning an update on reducing the number of looked after children (LAC). The Assistant Director Safeguarding & Family Support introduced the report and explained that work to reduce the numbers of LAC included: pursuing special guardianship orders (SGOs) where appropriate; identifying children at risk of becoming looked after at an earlier stage and working with families; seeking to revoke care orders where children were living at home; ensuring that pre-proceedings work was robust; that the alternatives to care panel was sufficiently challenging; the introduction of signs of safety; and ongoing work with other local authority areas to improve processes and systems.

The committee raised those comments below in the debate that followed:

- The outcomes for the 80 children identified in 2017 as potentially suitable for SGOs or reunification was queried. *The ADS&FS explained that during 2017 there was not a tracker to keep a record of the progress of children. A tracker was now in existence which would record the progress of the 49 children currently identified as suitable for SGO or reunification.*
- It was queried whether the review of children that had become looked after between August – October 2019 had included an assessment of early help offered. *The ADS&FS explained that all options were discussed at the alternatives to care panel to attempt to keep children with their families. During pre-proceedings arrangements there was an examination of all work undertaken with children at risk of becoming looked after children.*
- The timescales involved in the provision of early help was queried. *The ADS&FS explained that early help was an approach which had seen the amount of assessments increase steadily. In some settings, such as schools, where a need was identified the provision of early help could be undertaken very quickly.*
- The distinction between edge of care and early help was queried. *The cabinet member for children and families explained the different approaches; edge of care worked with children who were in care or on the cusp of becoming looked after children. Early help was undertaken at a prior stage to work with children and families to divert from care those at risk of becoming looked after children. Members of the committee were encouraged to attend a meeting of the alternative to care panel and the corporate parenting panel and also to visit the MASH.*

RESOLVED: That the committee:

- **Recognises the work that has been undertaken and the progress made in implementing systems to reduce the numbers of looked after children; and**
- **Asks that a report is submitted to a meeting in 12 months times which provides a breakdown of the progress made in regard of the 49 children identified for SGOs or reunification.**

29. REVIEW OF PERFORMANCE AND PROGRESS AGAINST THE SAFEGUARDING AND FAMILY SUPPORT IMPROVEMENT PLAN 2019 / 2020

The committee received a report from the ADS&FS concerning progress against the safeguarding and family support improvement plan 2019/20. The ADS&FS introduced the report and explained that the challenges presented in the report consisted of the

recruitment of social workers and timeliness of visits. A significant amount of work had been undertaken in the recruitment of social workers which had resulted in the appointment recently of a principal social worker who had made appointments to three posts in the social work academy. The timeliness of visits was judged against a high and aspirational target; social workers often had to prioritise urgent and severe cases which affected timeliness results. The DCF explained that the self-assessments for each of the areas in children and families would be circulated after the meeting.

The committee raised the points below in the debate that followed:

- It was queried whether the risk assessments relating to the potential for child exploitation had been brought up to date. *The ADS&FS confirmed that this work had been completed.*
- The boost in social worker numbers was welcomed but it was noted that the indicator in the report was showing as a downward direction of travel. *The ADS&FS explained that recruitment to some teams had been successful but it remained very difficult to make appointments to teams such as the child protection and court teams.*
- It was queried whether there was concern regarding the 16+ team. *The ADS&FS and DCF explained that a number of staff on the team were leaving but there would be a concerted effort to recruit replacements.*

RESOLVED: That the committee notes the report and the improvements made since the previous quarter.

30. WORK PROGRAMME REVIEW

The committee considered a report by the democratic services officer which provided the latest version of the work programme 2019/20; an amended scoping document for the peer on peer abuse in schools spotlight review; and the recommendation tracker.

The Chairperson of the committee explained the changes to the work programme as contained in the report. She also explained the amendment to the scoping document which sought to ensure the voice of the child was heard and explained she would read a statement at the spotlight review with the agreement of the author and family.

RESOLVED: That the committee:

- **Agrees the updated version of the work programme; and**
- **Approves the amended terms of the reference for the peer on peer abuse in schools spotlight review scoping document subject to the inclusion of reference to a statement to be read aloud if permission was granted.**

31. DATE OF NEXT MEETING

The next meeting of the committee was scheduled for 2.00 p.m. on 14 January 2020. The start time for the meeting would be confirmed in due course.

The meeting ended at 12:45 p.m.

Chairperson

Supplement – schedule of questions received for meeting of children and young people scrutiny committee – 25 November 2019

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

Question Number	Questioner	Question	Question to
PQ 1	Ms Steel, Hereford	<p>At the last CYP scrutiny meeting two public questions were asked in connection with the safety of children in this county. To date, the Council has failed to give a substantive answer to either question.</p> <p>The first public question on 16th September was:</p> <p><i>How long is a reasonable delay between the Council being alerted to possible safeguarding failure, and the Council starting an investigation?</i></p> <p>The second question referred to a case taken by a child in the county under the Human Rights Act in connection with safeguarding failures after a peer-on-peer sexual assault:</p> <p><i>Has the Committee seen evidence that the Council undertook a thorough investigation into the 2018 case in order to learn lessons?</i></p> <p>Why has the committee failed to offer substantive answers to these questions when both are highly relevant to the safety and well-being of children?</p>	Chairperson of Children and Young People Scrutiny Committee
<p>Response: Thank you for your question.</p> <p>At the previous meeting of the children and young people scrutiny committee on 16 September the public questions outlined in this question were answered with a statement that the committee would consider the issues raised during its consideration of the scoping document for the peer on peer abuse in schools spotlight review. The committee later approved a scoping document for the peer on peer abuse in schools spotlight review which seeks to investigate policies and procedures at the council to respond to safeguarding concerns over peer on peer abuse in schools but which does not provide for the examination of individual cases. During the spotlight review I will be willing to pose the first question concerning alleged delay to officers. With respect to the question concerning an investigation into a previous case; the commissioned report, appropriately redacted as it refers to the council rather than the school, will be considered as part of the success/effectiveness of policies to address peer on peer abuse in schools.</p>			
<p>Supplementary Question: Why have you not initiated an immediate review of all cases of peer on peer sexual assault which have come to the MASH team to ensure that no child is at risk of harm today from the delay in rectifying inadequate and unlawful safeguarding?</p> <p>Response from Councillor Norman to supplementary question:</p>			

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I would like to take this opportunity to apologise on behalf of the council. No child should be put at risk from physical or emotional harm and when that does happen we strive to have the right approach and support for them. We have investigated our practices in relation to peer on peer abuse and it has become apparent that officers made an error in judgement in recommending the best course of action. There is no doubt that there should be support and advice available for victims, teachers and parents. We as a council play our part in this and are working with others to see what more can be done. There are now clearer procedures and processes in place to improve the way council staff work with children, families, schools and colleges. In the last few years there have been advances in national guidance and we have significantly improved our work alongside partners and schools. As a council we identify the improvement needed and we offer additional support and tools for teachers to help them respond appropriately and continue to discuss and develop our collective approach to the national guidance with schools and colleges.

I will categorically state that, although you can never be sure that there is not a risk of the abuse happening, I am assured that every step that can be taken is being taken and can assure we put out a full recent statement to that effect. I do feel we are doing all that we can and please remember this is not only the Council but all partners with whom we work very closely. We have a number of activities to help to strengthen that safeguarding approach including an extremely successful conference for all safeguarding leads from the schools a couple of weeks ago. We are doing all that we can, I think Chris Baird could add something or something in writing would be more useful where we can very specifically outline our understanding of the issue.

Response from Chris Baird to supplementary question:

Every case that is referred into MASH we do work with schools and the families as well as their ongoing safeguarding issues. If there are any concerns about children now then we would like to hear them and we will look into any cases brought to our attention, as well as reflecting on what we are doing with current cases. Not all cases are open to children's social care so part of our work is how we coordinate with schools and others on the ongoing safety of children on a day to day basis.

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PQ 2	Ms Liddle	The Spotlight Review on peer-on-peer sexual abuse will not look at historical failures to protect children after they disclose an incident, nor at the failure of the Children's Directorate to learn lessons from safeguarding errors made by Council MASH officers. Does the Children's Scrutiny Committee propose to undertake any scrutiny of how safeguarding errors have continued for over three years despite members of the public repeatedly raising their concerns on this issue?	Chairperson of Children and Young People Scrutiny Committee
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Response:
Thank you for your question.

I confirm that the peer on peer abuse in schools spotlight review will not examine historic, individual safeguarding cases. The spotlight review will be provided with detail of the procedures and policies that the council and local schools have in place to respond to and address cases of peer on peer abuse in schools. It will determine whether those procedures and policies are robust and fit for purpose and will seek to make recommendations on any elements it considers inadequate. The children and young people scrutiny committee will consider the outcomes of the spotlight review (including its assessment of current safeguarding arrangements with respect to peer on peer abuse in schools) and determine whether any recommendations should be sent to the executive.

PQ 3	Ms Shore	The anonymity of victims of sexual offences is protected by law. However, so is their right to waive anonymity. At the last CYP scrutiny meeting, the Chair decided that victims of peer on peer sexual abuse would not be invited to give evidence to the upcoming Spotlight Review in order to protect their anonymity. This takes the right to waive anonymity away from victims. The effect renders them powerless, replicating the	Chairperson of Children and Young People
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	<p>loss of control they have already been subjected to in their assault. Learning from empowerment experienced by survivors in the Me Too movement, will the committee respect victims' rights to make their own choices about submitting evidence to the Spotlight Review in person or by representative and make reasonable arrangements for written evidence from them, their family/friends to be submitted - named or anonymously as the victim chooses.</p>	<p>Scrutiny Committee</p>
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Response:

Thank you for your question.

This is a sensitive issue and it is one which has been debated and considered at length during the production of the scoping document for the peer on peer abuse in schools spotlight review and in arrangements for the meeting. There is a difficult balance to strike between ensuring that the impact on victims of peer on peer abuse in schools is understood by the spotlight review and that an open forum is provided to allow the public to see scrutiny of an issue which has caused public concern. You are correct that the scoping document for the spotlight review does not contain provision for individual victims of peer on peer abuse to submit statements or address the review in person. Instead the spotlight review seeks to hear about the impact on victims from the children's charities and support groups that will be in attendance at the meeting. I have set out below my thinking as to why the spotlight review has taken this approach and why there is concern over the provision of witness statements, either written or in person:

- As I have stated in response to an earlier question, the spotlight review will not examine individual safeguarding cases but will focus on the safeguarding procedures the council has in place and to determine if the arrangements provide assurance. To receive individual testimony from victims would militate against this purpose and would potentially lead to discussions and debate of individual cases.
- You state that victims of sexual assault have a right to waive their anonymity. I think it important to retain a perspective that the victims of peer on peer abuse in schools will be children. I have never been entirely comfortable with the notion of accepting testimony in a meeting in public from children; be that evidence that is written, provided in person or anonymised. The potential impact on a child of reliving their experiences to provide a statement, of having their case presented in a meeting in public and debated is impossible to quantify. Without appropriate support and guidance, which the council would not be able to guarantee for witnesses, there is the potential for harm. I contend this is also the case for any young person who would have been a child when they were the victims of peer on peer abuse at school. However, I am currently investigating the potential of using a piece of correspondence, concerning the impact of peer on peer abuse in schools, at the spotlight review and I hope to be able to provide more detail on this at the meeting on Monday 25 November or soon after.

The peer on peer abuse in schools spotlight review is to be held in public. If the session had been conducted in private some of the reservations outlined above would be overcome. However, as mentioned, this is a balance we have sought to strike in undertaking the review in public.

I would also encourage any members of the public who wish to outline their experiences to write to me. This is their right and I would consider carefully the information provided. If any correspondence provided permission for onward dissemination at the spotlight review and I felt that it would help provide a level of insight I would consider circulating it. However this will only be possible if informed consent is provided to share the correspondence and that none of the detail would be capable of identifying any individuals.

Supplementary Question:

I am very unclear about how the general public out there including victims of sexual abuse will know that is something they can do as they are unaware of scrutiny committees. I'm concerned that whilst it is good that the spotlight review is occurring and that it will look at all aspects of abuse there is a systematic need to look at violence against women and children. I would like as well as the spotlight review I would like there to be a concentration on the

sexual abuse aspect. I accept that they take it seriously but there needs to be some specific action to ensure that there are no children in that position and I don't see that it is clear in the answers provided to the public questions this will happen.

Response from Councillor Gandy to supplementary question:

I have taken a decision that I will read out an impact statement, providing I get written agreement from an individual. I am happy to read out impact statement which together with the information we get from the children's society, the rape crisis centre and other voluntary organisations will provide the voice of the child impact upon the individual. I understand concern how to get out to the wider public about the spotlight review and I will talk to officers as to how we achieve that. The spotlight review covers all forms of abuse, including peer on peer sexual abuse which is an area people have raised concerns about but the review will also not shy away from such abuse on social media that has led to suicide.