

Supplement – schedule of questions received for meeting of children and young people scrutiny committee – 28 July 2020

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

Question Number	Questioner	Question	Question to
PQ 1	Mrs Steel, Hereford	<p>Para 53 of the Minutes records a request from the Chair of the Committee that in the next version of the report into historic cases of peer on peer sexual abuse, the committee is told whether cases involved rape or sexual assault and whether cases were substantiated or not.</p> <p>Why were these requests made?</p>	Chairperson of the Children and Young People Scrutiny Committee
<p>Response: In scrutinising the response of the Council to historic cases it is felt important to establish if there was a consistency of advice provided and actions taken irrespective of whether the cases were substantiated or unsubstantiated and whether they were rape or sexual assault.</p>			
<p>Supplementary Question:</p> <p>My original question asked “Why” the request was made by the Chair of the Committee that in the revised report into historic cases of peer on peer abuse, the report should distinguish between substantiated and not substantiated cases, and between rape and sexual assault cases.</p> <p>The response given to my question does not attempt an explanation as to why the requests were made.</p> <p>I assume that the Chair of the Committee who made the requests now recognises how deeply inappropriate and unhelpful it was to ask for that information to be included in a report about safeguarding children after disclosures of sexual assault, given how many victims of all ages choose, for very good reasons, not to report an assault to the police or pursue a case through the criminal courts.</p> <p>Can the Monitoring Officer’s team now assure concerned members of the public that a post-meeting note can be inserted into the minutes in Para 53 in order to ensure that anyone who subsequently reads those minutes is reassured that the request that was made at the last meeting has been recognised by this Council as deeply inappropriate and that the request has been formally withdrawn or rejected?</p>			
<p>Response to supplementary question:</p> <p><u>Chairperson of the children and young people scrutiny committee:</u></p> <p>It was important to distinguish between substantiated and not substantiated cases of rape and sexual assault when assessing the response of schools and the local authority to cases on peer on peer abuse. It is not correct for the local authority or for schools (having received guidance from the local authority) to treat substantiated cases of peer on peer abuse (i.e. case which have supporting evidence whether that be by a witness account, violence on the part of the perpetrator or the accused admitting to the offence) any differently with regards to the guidance to a case where the event has taken place and the evidence is not available and where it is one persons word against another, as happens in a number of peer on peer abuse cases. With regards to those who choose not to report to the police or pursue a case through the courts or where police are likely to say there is insufficient evidence it is considered</p>			

unsubstantiated. However it should be addressed in the same manner by the school and local authority in accordance with the guidelines. Similarly where a case in which the victim does not want a case to be taken forward as a legal case that case will have been brought to the attention of the school who will have reported it to the Multi-Agency safeguarding Hub who should provide the same guidance to the school and treat the case in the same manner.

The use of the terms substantiated and unsubstantiated refers to all cases of peer on peer abuse and whether those are cases that go through the legal process, cases where someone chooses not to take the case forward, cases where the police choose not to pursue the case, cases where there is no supporting evidence. All cases should all be treated the same, the guidance should be the same, the schools should deal with them in the same way and it is important to ensure that the report that goes to the September meeting does differentiate to ensure that the committee can be certain that substantiated cases are not given preference or treated differently or as more important than unsubstantiated cases.

With respect to the question concerning a post-meeting note:

The committee voted to confirm that the clarification provided by the Chairperson, concerning the use of the terms substantiated and unsubstantiated, would be appended to the minutes of the current meeting of the committee; 28 July 2020.

PQ 2	Ms Shore, Hereford	<p>At the last meeting, the written answer to the public question was supplied too late for a supplementary question to be submitted.</p> <p>The question concerned the failure to learn lessons about the handling of peer-on-peer sexual assault disclosures. The answer was concerning: firstly it quotes two projects which focus on prevention rather than dealing with disclosures. Secondly, the answer stated that the Council "did brief chairs of governors and schools in the May 2017 briefing on peer on peer abuse including reflecting on learning and continued to do so in regular briefings thereafter"</p> <p>Given that in November 2019 the Monitoring Officer identified that Chris Baird's understanding of the guidance on safeguarding in peer-on-peer assault cases was flawed in two material respects, how much confidence does the committee have in the quality of the briefings given to schools before November 2019?</p>	Cabinet Member Children and Families / Chairperson of the Children and Young People Scrutiny Committee
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Response:

Cabinet Member Children and Families response:

I regret that the written answer was sent too late for the supplementary question to be submitted.

Your first point was that the briefings focussed solely on prevention rather than dealing with disclosures. I can confirm however that the various briefings and shared resources over time have included details on dealing with disclosures appropriately. This effort was supported by expert sessions at conferences and corroborated by an Ofsted visit in December 2019.

I have been provided with the answers to questions which the monitoring officer advised Cabinet of in November last year.

One of the questions the monitoring officer considered related to a query arising from an email sent by the Director. The monitoring officer found that a paragraph in the email sent by the Director could have been better drafted. It does not say that the Directors understanding was flawed.

An independent review by Ofsted which confirmed the quality of the work being done and the fact that many briefings (in particular a full conference day in November 2019) were conducted by national experts would support our view that we do have confidence in the objectivity and content of the briefings given to schools. For example, several schools presented their experience at the Spotlight review which were well received. I am also happy to share the content of the conference which reassures that the quality and impact of the training sessions and briefings were strong. Please find below a link to the spotlight review papers:

<http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=1087&MId=7561&Ver=4>,

I believe that the quality of the contributory sessions evidence here supports the view that the briefings are accurate and of high quality. I therefore have confidence in them.

Chairperson of the Children and Young People Scrutiny Committee response:

In December 2019 the committee held a Peer on Peer Abuse Spotlight Review to which a significant number of teachers attended and provided us with a presentation on the process they had adopted when dealing with Peer on Peer Abuse cases. Those teachers present were of the view that following National Guidelines produced in Dec 17 they were able, with the support of the Local Authority to deal with such cases whilst recognising that prior to Dec 17 this had been more challenging. They did however feel that the National Advice concerning the separation of victim and alleged perpetrator when both remain at the same school following an incident was still unclear.

The committee was reassured that following the National Guidance produced in Dec 17 that schools were receiving adequate support and briefing from the LA but took on board the teachers concerns raised about the clarity of some of the guidance. The Scrutiny Committee wrote to the DfE in April 2020 requesting that they review the information provided to schools with regard to the separation of the victim and alleged perpetrator when both remain at the same school. A response was received and conveyed to the committee in June 2020.

Supplementary question:

The long answer to my question intentionally or unintentionally misrepresents my question and fails to address the core point. The core point is the concern that, as a result of flawed advice in the past, victims of sexual assault continued to be in school with their abuser.

We do not know whether there are children who are still in this situation today. This was supposed to be the focus of the urgent review Everything in the answer which refers to actions post November 2019 is irrelevant and only serves to obscure the core concern.

Does the Cabinet Member for Children and Young People accept:

- i) That the review commissioned by David Hitchiner into the safety and wellbeing of victims of peer on peer sexual assault prior to November 2019 was necessary and urgent to ensure children's safety
- ii) That an eight month delay into an urgent safeguarding review is not acceptable.

With the results of the review still outstanding, when will the cabinet member be able to guarantee there are no children in this position now?

Response to supplementary question:

Cabinet member for children and families:

The delay to the review was very unfortunate and was regretted. It had been unavoidable and there had been a desire to ensure that the report was correct to address all aspects of the issue with a number of views incorporated into the report. It is a valuable report and it will be helpful to assist the council to ensure that children are safe and looked after.

There was confidence in the practices currently in place, the advice provided to schools and the ongoing training and conferences meant that every school knows how it should be responding and supporting children who have suffered peer on peer abuse. It is not possible to guarantee that these practices are followed-through but we are absolutely certain that every school is aware of how the guidance is implemented.

We all care for the safety and wellbeing of children and we are all concerned when things go wrong and we all want to do our best for children.

Assistant director education, development and skills

I believe that the schools are now fully aware of what is required in terms of their responsibilities with regards to children not having contact with their abuser or alleged abuser. They do now know what actions should be taken and they have had a range of training and guidance that has been issued for some time now in conferences and briefings. As a consequence I believe that children are safe and protected in schools but ask if people have concerns that they contact me. I am also confident that the range of guidance and advice that has been issued is of a reasonable quality as it has been led by national experts in the field and it does take account of previous advice and guidance which has been incorporated into the most recent advice and support to schools.