

Meeting:	Children and young people scrutiny committee
Meeting date:	Tuesday 15 September 2020
Title of report:	Review of peer on peer abuse cases
Report by:	Assistant Director Education, Development and Skills

Classification

Part exempt

Appendix 2 - This Appendix is Exempt from Public and Press Disclosure (Schedule 12A Local Government Act 1972) (As amended by Local Authorities (Access to Information Exempt Information (England) Order 2006 – Exempt Paragraph 2.(Information that is likely to reveal the identity of an individual) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To consider a report which is a review (including lessons learned) into peer on peer sexual abuse cases referred to the Multi Agency Safeguarding Hub (MASH). The report is in draft until scrutiny have made their recommendations and observations and then considered further by the executive in arriving at a final report for determining a policy for Herefordshire Council.

Recommendation(s)

That:

- (a) The committee considers the outcomes of the review as set out in the draft report and determines any recommendations and observations it wished to make to the executive.**

Alternative options

1. There are no alternative options to the above recommendations; it is a function of the committee to review action taken in connection with the discharge of any functions which are the responsibility of the executive and make reports or recommendations to the executive.

Key considerations

2. The children and young people scrutiny committee received a report at its meeting on 14 January 2020 following the completion of a spotlight review into peer on peer abuse in schools and made recommendations to the executive. One of the recommendations from the spotlight review asked for the outcomes of the review into peer on peer abuse cases referred into the MASH to be presented to the committee.
3. At the meeting of the children and young people scrutiny committee on 2 June 2020 the report that was presented was deferred as the committee stated that the report would benefit from referencing wider context, lessons learned and action taken over the years, including the Spotlight Review and recognising that the council's approach could have been strengthened further by sharing a draft risk assessment tool at the same time as the council shared other tools with school representatives. Also that the approach could have been strengthened in the past by providing written guidance rather than presentations and briefings.
4. The Chairperson of the committee referred to the independent review of April 2017 into a case of peer on peer abuse at a Herefordshire school and the pro forma risk assessment arising from the review. The review had not been shared with the scrutiny committee or the spotlight review of peer on peer abuse in schools and was not referred to in the report before the scrutiny committee.
5. The report stated that 8 cases of peer on peer abuse referred to the MASH between January 2017 – October 2018 were before the introduction of national guidance. However the outcomes and recommendations of the April 2017 review, providing guidance on the handling of peer on peer abuse cases, would be of relevance to the 8 cases. The lack of a reference in the report to the review was a gap which needed addressing together with greater detail on the cases reviewed including whether they involved rape or sexual assault and how many were then the subject of legal proceedings or not. It was explained that as the report currently stood there was not sufficient information for the committee to undertake effective scrutiny. Without sight of the April 2017 review and the pro forma risk assessment the committee would not be able to make a judgement on what guidance was available at the time of cases between January 2017 – October 2018.
6. Therefore it was deferred until its next meeting to allow the areas raised to be addressed to enable the scrutiny committee to have all of the relevant information contained within the final draft report to enable them to undertake effective scrutiny. The re-submitted report attached at Appendix 1 addresses the committees concerns and provides the necessary information to enable them to undertake the scrutiny required.
7. The local authority's role is the provision of support, advice and guidance in relation to safeguarding in early years settings, schools and colleges and to develop, implement and monitor quality assurance processes across schools, colleges and settings. This service is provided by the learning and achievement team who work with the organisations, not individual pupils.

8. This review looked at historic cases that were referred into the MASH of known recorded peer on peer sexual abuse where there was sexual assault/rape/or alleged cases (appendix 2 (exempt)). It covered the years Jan 2017- Oct 18 and Oct 2018 – Nov 19. The methodology involved reviewing over 300 cases reported to MASH and then identifying peer on peer sexual abuse cases from the period January 2017-November 2019 where pupils attended the same schools (appendix 3). The advice given by MASH, in those cases identified and where it was recorded, was assessed against the guidance available from the Department for Education (DFE) on peer on peer abuse at the time
9. Furthermore the review considered the April 2017 (appendix 4) report that was commissioned by a school in Herefordshire to consider the approach taken and make recommendations to the senior leadership team of the school.
10. The council has committed to keeping training and guidance to schools a priority in all such cases for the future - and has accordingly - led training for all Designated Safeguarding Leads in all schools. There is also a set of recommendations agreed to strengthen the review of any such fresh cases as they arise. This will adopt a multi-agency approach and we will apply rigorously any changes to DfE and legal advice in these cases. We will also implement any further service changes as a result of the findings of the National Society for the Protection of Cruelty to Children (NSPCC) audit work. The cabinet member has also agreed the response to the recommendations of the Children and Young People's Scrutiny Committee Spotlight review into peer on peer abuse and these will be implemented.
11. The draft report and the recommendations of this committee will then be further considered by the executive in arriving at a policy decision for handling peer on peer abuse cases in Herefordshire.

Community impact

12. The approach to peer on peer abuse for children and families in Herefordshire is an important and integral part in the provision of safeguarding, education, health and care services for vulnerable children and their families throughout Herefordshire. This enables the council to work with children, young people and their families where this is possible to keep children and young people safe and give them a great start in life; and secure better services, quality of life and value for money. This contributes to fulfilling the aims of the Herefordshire Children and Young People's Partnership Plan 2019-2024 and the councils County Plan 2020-2024.

Equality duty

13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. This is a factual report highlighting the outcomes of the review into historic cases of peer on peer abuse, including areas of good practice, areas for improvement and the next steps that council will take. Peer on peer abuse is an Equality issue and the outcomes of the review demonstrate that the council has considered this and is committed to working to support those effected while exercising its Equality duty.

Resource implications

15. The outcomes arising from the review largely reflect work that is already underway. There are no additional cost implications to the outcomes as actions will be met from existing budgets.

Legal implications

16. There are no legal implications arising from the contents discussed in the appendices to this report which provides information regarding the review of historic cases of peer on peer sexual abuse with recommendations as to future work .. The law relating to safeguarding and peer on peer abuse is set out in the legal section of appendix 1.
17. Furthermore the legal basis for the recommendations are shown within and are commented upon with appendix 6.

Risk management

18. There are no risks associated with agreeing the content of this report which provides information regarding the review of historic cases of peer on peer abuse and indicate how the work is being taken forward.

Consultees

19. None

Appendices

Appendix 1 – Report on peer on peer abuse review of historic cases dealt with by the Multi Agency Safeguarding Hub (MASH)

Appendix 2 – Historic cases of peer on peer abuse EXEMPT

Appendix 3 – Details of cases under review period

Appendix 4 - Redacted CSO report April 2017 and Recommendations

Appendix 5 – Definitions – What is Peer on Peer Abuse

Appendix 6 – Legal basis for recommendations