

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: <p>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.</p> <p>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.</p> <p>At the meeting the Chairperson made the following statement to clarify the answer to the first public question from Mrs Steel:</p> <p><i>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.</i></p>			
Supplementary Question: <p>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".</p> <p>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.</p> <p>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?</p>			

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.