

**Questions from members of the public – Children and Young People Scrutiny Committee, 17 September 2024**

Question Number	Questioner	Question	Question to
PQ 1	Mr James McGeown  Weobley	<p>Correct and lawful procedure for initiating Section 47 enquires, I am guided by: The case of AB and Another v London Borough of Haringey 2013 (<a href="http://www.bailii.org/ew/cases/EWHC/Admin/2013/416.html">http://www.bailii.org/ew/cases/EWHC/Admin/2013/416.html</a>)</p> <p>“The relevant service has a statutory duty to initiate a section 47 enquiry but only if it has decided that it has reasonable cause to suspect that the child is suffering significant harm or is at risk of suffering such harm. That reasonable suspicion must arise in and be tested by the initial assessment process which may only be short-circuited in exceptional circumstances.”</p> <p>This is how I understand the procedure. This is how HH Judge Anthony Thornton QC understands the procedure.</p> <p>How does Herefordshire Council understand the procedure?</p>	Children and Young People Scrutiny Committee
<p><b>Response by Cabinet Member Children and Young People</b></p> <p>In answering the question I have outlined the relevant legislation, which defines significant harm, referred to the statutory guidance and explained how local decision making is undertaken.</p> <p>Herefordshire Children’s Social Care and the partner agencies at the Multi Agency Safeguarding Hub (MASH) are responsible for decision making on what action is taken in response to a contact and referral received. Action can include a referral to Early Help for support to the child and family, progressing it to a referral for a Social Worker Assessment to determine if the child is a Child in Need or to call a Strategy Discussion to determine the need for an S47 enquiry if the information is believed to raise concern that a child may be suffering or at risk of suffering significant harm.</p> <p><b>The Children Act 89 legislation guides our practice as its sets out our duties and responsibilities.</b></p> <ul style="list-style-type: none"> <li>• <b>Duty to undertake an assessment of need</b> where we receive information a child might be a child in need “child unlikely to reach or maintain a satisfactory level of health or development without provision of children’s social care services” (S17)</li> <li>• <b>Duty to undertake enquires</b> where we receive information a child is or is likely to suffer significant harm (S47)</li> </ul> <p><b>The Act describes Significant Harm as follows:</b></p>			

“**Harm**” is the “**ill treatment or the impairment of the health or development of the child**” (defined under Section 31, [Children Act 1989](#)). Without the intervention of services a child would likely not meet their expected health and or development.

“**Significant**” is a professional judgement - but views of: parents, carers, children and young people are taken into account.

**Working Together 2023** ask us to “*Consider **the severity, duration and frequency** of any abuse, degree of threat, coercion, or cruelty, **the significance of others in the child’s world**, including all adults and children in contact with the child (this can include those within the immediate and wider family and those in contexts beyond the family, including online), and the **cumulative impact of adverse events**”*

Working Together also sets out definitions, behind categories of harm to further guide practice and decision making when a S47 enquiry is completed and decisions are made as to the need to continue child protection intervention through a child protection plan. These are:

- **Physical** - hitting, kicking, shaking, throwing, poisoning, burning or suffocating, make up or cause symptoms of illness in children,
- **Neglect** - not providing adequate food, clothing, shelter, education or health care, inadequate supervision and protection
- **Sexual** - forcing or enticing a child to take part in sexual activities - contact abuse and non-contact abuse
- **Emotional** – regularly and persistently humiliating, threatening, degrading, or scapegoating a child. It can include isolating or manipulating a child, not offering encouragement or accepting a child’s limitations
- **Child criminal exploitation** – sexual exploitation, forced labour, criminal exploitation
- **Domestic abuse** - controlling, coercive, threatening behaviour, violence or abuse between people who are, or who have been in a relationship; Children can be directly involved in incidents of domestic abuse or they may be harmed by seeing or hearing abuse happening
- **Influences of extremism** which could lead to radicalisation

Guided by the legislation and statutory guidance it is ultimately the social worker’s professional judgment to determine if a Strategy Discussion is required, and if so, the multi-agency partnership to determine if a S47 enquiry is required. Under the Children’s Safeguarding Partnership procedures there is a professional escalation process should any partner agency believe interventions are not at the right level, and a complaint process in place for parents if they don’t agree the intervention into their family is at the right level.

This is how the council understands and implements its duties under S47.

Question Number	Questioner	Question	Question to
PQ 2	Mrs Megan McGeown	Investigations by Herefordshire Children Services using Section 47 enquiry, 1989 Children’s Act powers. A section 47 enquiry has in recent years become very damaging for the life, career and family relationships of many who are parenting or caring for the child being assessed (HH Judge Anthony Thornton QC:	Children and Young People

	Weobley	<p><a href="http://www.bailii.org/ew/cases/EWHC/Admin/2013/416.html">http://www.bailii.org/ew/cases/EWHC/Admin/2013/416.html</a>).</p> <p>From FOI2024/01237, Herefordshire Council carried out:</p> <p>2020 = 426  2021 = 858  2022 = 1,393, about 47% of all referrals (MARF).  2023 = 1,105  And looks 1000+ for 2024</p> <p>So what significant safeguarding change in Herefordshire brought about the doubling and then tripling of Section 47 enquires between 2020 and 2022, as although there was an increase in referrals it certainly did not treble?</p>	Scrutiny Committee
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**Response by Cabinet Member Children and Young People**

Factors that will have impacted on Herefordshire’s rate of section 47 over the years 2020 to 2023 are as follows.

During the Covid lockdown period we initially saw a decrease in referrals, this in part was due to the changes agencies had to make in their working practices. Post Covid we saw significant increases in referrals particularly relating to domestic abuse and substance misuse where children had been living in harmful home situations. There was also an impact of increased mental health illness in children and young people and in adults creating high levels of risk. The third factor during and post Covid is the drop in school attendance, resulting in increasing concern for the welfare of children for whom education has no “eyes on”.

It is also known that the impacts of poverty and isolation have increased risks to children and families.

These matters have been nationally reported at length and have impacted on the number and content of referrals to Children’s Social Care requiring S47 enquiries.

In addition to this Herefordshire underwent its OFSTED inspection 2022 with the widely reported finding of an inadequate judgement. It is known that following the publication of an inadequate judgement all local authorities see a rise in referrals and Section 47. This is because the public and professionals seek to gain confidence and reassurance where they believe children at risk of harm have been insufficiently identified or insufficiently supported.

During 23/24 the Herefordshire rate of S47 was 75 per 10,000 children. The regional average rate being at 67 and rates of the other Inadequate local authorities being 83 and 71, so Herefordshire rates are reflective of this pattern.

We continue to work closely with partners through the Restorative Practice approach to building relationships, identifying strengths in families and importantly having a multidisciplinary approach with families that is confident to manage risk at home and in the community. All in the context of trying to ensure that we also fulfil our duty to investigate and protect children from harm.

Question Number	Questioner	Question	Question to
PQ 3	Mrs Reid  Hereford	<p>The minutes of the 13/12/2022 CYPSC meeting state:</p> <p style="text-align: center;">“RECOMMENDATION: That families are properly advised on the right information and advice and support on Public Law Outline (PLO) meetings and pre-court proceedings.”</p> <p>Subsequently, hyperlinks, for example, to the Family Rights Group’s (FRG’s) website were created on the council’s website. However, they seem to have be removed or moved.</p> <p>By when will suitable hyperlinks to external websites (eg FRG’s website) from a council webpage(s) which is/are easily found by the public be created?</p>	Children and Young People Scrutiny Committee

**Response by Cabinet Member Children and Young People**

A review of our external website which contains information for parents whose families are involved in the PLO process has been undertaken. As a Council we are keen to ensure that families are armed with all the information they need, so that they can benefit fully from the PLO process. We will ensure that hyperlinks are on the external website for the Family Rights Group this week. We will also add links to literature produced by the local authority in the form of a PLO leaflet for parents and for young people and a list of external solicitors endorsed by the Law Society who will be in a position to provide families with independent legal advice. We will aim for this information to be on the Council’s website by the end of September.