

REPORT OF THE LEADER OF THE COUNCIL**INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE – INITIAL RESPONSE****Purpose of the Report**

1. To inform Members of the findings of and the Council's initial response to the publication of the Independent Inquiry into Child Sexual Abuse (IICSA) report: "Children in the Care of Nottinghamshire Councils". This initial report will be followed by a further report to Children and Young People's Committee within the next three months. This will include a comprehensive action plan in respect of the key issues raised, together with the Council's detailed response to the one IICSA recommendation that relates specifically to the County Council.

InformationBackground

2. The Independent Inquiry into Child Sexual Abuse (IICSA) is an independent statutory Inquiry which is investigating whether public bodies and other non-state institutions in England and Wales have taken seriously their responsibility to protect children from sexual abuse, and make meaningful recommendations for change in the future. In the case of the Nottinghamshire Councils investigation, this includes one recommendation for the County Council, which is referenced in **Appendix 1** (the conclusions and recommendations from the IICSA report).
3. The Inquiry was announced in 2014 and is led by Professor Alexis Jay, with the Nottinghamshire Councils investigation being announced in November 2015. The Inquiry consists of 14 investigations across a wide range of institutions including local authorities, the Police, the Crown Prosecution Service, the Immigration Service, the armed forces, schools, hospitals, churches, charities and voluntary organisations.
4. The Nottinghamshire Councils (Nottingham City Council and Nottinghamshire County Council) investigation focussed on children who were sexually abused whilst in the care of the Councils and lived in residential homes or with foster families. The investigation considered the experience of victims and survivors and examined the scale and nature of the abuse that had taken place under the care of the relevant authorities, dating back from the 1940s to today.

5. The primary purpose of this investigation was to examine the institutional responses to such allegations of Nottinghamshire County Council, Nottingham City Council and other organisations such as Nottinghamshire Police and the Crown Prosecution Service, and to consider the adequacy of steps taken to protect children from abuse.
6. In order to investigate the institutional responses, the Inquiry selected three case studies, which also considered the barriers children and young people can face in disclosing abusive experiences:
 - i. Beechwood residential home
 - ii. Foster care
 - iii. Harmful sexual behaviour¹.
7. Core participant status was granted to the Council under Rule 5 of the Inquiry Rules 2006, along with 95 other core participants, including 88 complainants who had provided accounts of being subject to sexual abuse whilst in the care of the Councils.
8. The Council was fully supportive of the Inquiry and since February 2016, the Council has submitted a significant quantity of information to the Inquiry, responding to 14 information requests. Information submitted included allegations, civil claims, investigations, follow-up actions, policies, procedures and training records. In total the Council provided 1,631 documents to the Inquiry with a page count of 50,311. Of these, 781 documents have been determined as relevant by the Inquiry for wider disclosure to core participants with a page count of 15,811.
9. Public hearings are held in respect of most of the Inquiry's investigations and the Nottinghamshire Councils public hearing took place over 15 days in October 2018, including seven days of hearings in Nottinghamshire.
10. During the Nottinghamshire Councils public hearing, there were in person accounts from 33 corporate witnesses, 12 complainant witnesses, two support services witnesses and one expert witness. An additional 71 complainant core participants provided written evidence of their experiences, with parts of each read into the record during the public hearing. Three current and 15 former County Council employees gave accounts, as did the current Chair of the Children and Young People's Committee and the then Chair of the Safeguarding Children Board.
11. Each of the Inquiry's investigations concludes with a report that sets out the Inquiry's conclusions on institutional failings and identifies practical recommendations for change. The Inquiry published the Nottinghamshire Councils report on 31 July 2019.
12. In addition to the Nottinghamshire Councils investigation, the Council has also participated in the Sexual Abuse of Children in Custodial Institutions investigation and the Accountability and Reparations investigation. The Council was also referenced in the Children Outside the UK investigation, in relation to the Council's support to the Child Migrants Trust; this report was published in March 2018. The Sexual Abuse of Children in

¹ Can be defined as 'Sexual behaviours expressed by children and young people under the age of 18 years old that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child, young person or adult'.

Custodial Institutions investigation published its report in February 2019; this did not have any direct implications for the County Council. The Accountability and Reparations investigation is due to publish its first phase report on 19 September 2019. This first phase examined the experience of victims and survivors in the compensation process. A second phase of public hearings is scheduled between 26-28 November 2019, which will examine in more detail two issues that emerged during the first phase, namely the law of limitation and the potential for a redress scheme. These two issues also arose in the Nottinghamshire Councils investigation.

13. The County Council has been fully committed to responding to allegations of historical/non-recent abuse within Nottinghamshire. This has included working with the Police since 2011 when a dedicated Police Operation was first established. The Council also established An Historical Abuse Team (HAT) in 2015. This team has provided additional capacity to ensure an ongoing robust response from the Council to allegations made within both criminal and civil litigation processes. The Council engages with victims and survivors in the development of support services and in the delivery of staff training events to inform current practice.

Findings

14. A full copy of the report is available on the IICSA website via this link: <https://www.iicsa.org.uk/publications/investigation/nottinghamshire-councils>
15. The Inquiry report concludes that the sexual abuse of children in the care of the Nottinghamshire Councils was widespread in both residential and foster care during the 1970s, 1980s and 1990s.
16. The report states that around 350 individuals report having been sexually abused whilst in the care of the Councils from the 1960s onwards. This includes 259 accounts of sexual abuse in residential care, 91 in foster care and 89 accounts of harmful sexual behaviour. Of the 71 complainant core participants who provided a statement to the Inquiry but were not called to give evidence, there were 57 allegations relating to sexual abuse in residential care and 18 in foster care, and 13 allegations relating to children being the victim of harmful sexual behaviour by other children. The report also notes that the total number of individuals who might have been sexually abused in that period is likely to be higher given the difficulties people face in disclosing their abuse.
17. The report makes a number of conclusions and one recommendation for the County Council, which are shown in **Appendix 1**.

The Council's Response

18. The County Council welcomes the IICSA report publication. In line with the Council's drive to maintain high quality standards for children in care, and as part of its ongoing continuous improvement process, the Council would like to address the following topics in this initial response:
 - a. Support to Victims and Survivors
 - b. Governance and Scrutiny
 - c. Harmful Sexual Behaviour

- d. The Council's Current Residential and Fostering Services
- e. IICSA Report recommendation for Nottinghamshire County Council.

Support to Victims and Survivors

- 19. The County Council's response to the IICSA report will be based on the principle of engaging with victims and survivors to enable their views to be incorporated as part of the development of the Council's comprehensive action plan.
- 20. On 18 January 2018 the Leader of the County Council made a public apology to victims and survivors and has made an ongoing pledge to meet with those victims and survivors who would welcome a meeting in person. The previous Leader of the County Council also made a public apology to victims and survivors in March 2016.
- 21. The County Council's Historical Abuse Team provides individual support to victims and survivors, and the team's work is positively cited in the IICSA report. To strengthen these arrangements further and build on the learning to date, steps are being taken through the Council's budget setting process to permanently fund this team.
- 22. The County Council is committed to continuing to support victims and survivors of sexual abuse and is engaged with working with partners, including the Clinical Commissioning Groups and the Office of the Police and Crime Commissioner, to strengthen support services to victims and survivors, including the development of a new service model. Additionally, an external needs assessment has been commissioned by the Nottinghamshire Office of the Police and Crime Commissioner and NHS England, which will provide evidence to underpin future commissioning of services. The needs assessment findings are due to be reported to stakeholders by the end of October 2019. The County Council is fully contributing to this work and is committed to continuing to fund specialist support services.
- 23. Within the County Council, Subject Access Requests are responded to by the centralised Complaints and Information Team, which aims to provide records to victims and survivors in a timely way. Accessing their records can be highly emotive and important for many victims and survivors, and the Historical Abuse Team can provide support in reviewing records when this has been identified as a need.

Action 1 – To engage with victims and survivors in the Council's response to the IICSA report.

Action 2 – To provide sufficient permanent funds to secure the future of the Historical Abuse Team through the County Council's budget setting process for 2020/21.

Action 3 – To work with partners on the needs assessment and the review of services for victims and survivors, to inform future design and recommissioning. Any financial implications will be incorporated into the Council's budget setting process for 2020/21.

Governance and scrutiny

24. The Inquiry made reference to the Council's governance and scrutiny arrangements and the need to have a process in place for Councillors to understand the scale of and responses to allegations of sexual abuse. The Inquiry did recognise that the County had introduced a formal procedure for notifying elected members of relevant incidents, in September 2018.
25. Additional measures taken recently regarding governance and scrutiny include:
- the establishment of a new Children's Homes Governance Board to oversee the Council's children's homes, including Clayfields House Secure Unit, led by Elected Members, with cross-party representation alongside senior professionals from multi-disciplinary backgrounds
 - bringing together the different strands of sexual abuse reporting which do exist in the County, so that allegations are referenced in one fully inclusive report. That report will contain an overview of all allegations of sexual abuse and harmful sexual behaviour involving Looked After Children in a care setting, in order that both Councillors and Officers can have an overview and scrutiny of such incidents
 - the withdrawal of previous guidance on Rota Visits by Elected Members. New guidance will be considered in September 2019
 - regular reports from the Governance Board being brought to the Children and Young People's Committee, beginning in December 2019.
26. In recognition of the findings of IICSA, a further comprehensive review of the Council's governance and scrutiny of Looked After Children in care settings will be conducted. This review will include considering whether the Council should re-establish a Corporate Parenting Sub-Committee.

Action 4 – A reporting process will be developed to provide oversight regarding incidents of sexual abuse and harmful sexual behaviour involving children in care, and the response to such incidents.

Action 5 – New guidance for Members visits will be considered at the Children's Homes Governance Board in September 2019.

Action 6 – The County Council will complete a further review of governance arrangements for the Council's Looked After Children care settings. The detailed arrangements for this review will be incorporated into the wider IICSA action plan (see paragraph 52).

Harmful Sexual Behaviour

27. The Inquiry has recognised that, whilst awareness and understanding of harmful sexual behaviour between children has increased, there is a void in that there is no national strategy or overarching framework for investigating, auditing, responding to and preventing harmful sexual behaviour between children, including but not limited to children in care. The Inquiry is carrying out further research on this issue and Nottinghamshire County Council welcomes any further clarification that can be given at the national level.

28. Despite the Inquiry identifying what is a national problem, the Inquiry recognised that Nottinghamshire County Council had local practices and policies in place with positive steps having been taken to audit its practice, develop multi-agency responses and identify weaknesses. The organisational audit of 2017 led to the self-critical audit of 2018 which identified further action to be taken. The actions have included raising awareness, guidance for standards regarding sexual relationships education and the introduction of the Brook Traffic Light Tool which allows better professional decision making in categorising sexual behaviours between young people.
29. Following the Inquiry's findings regarding the number of social workers available to carry out specialist assessments in this area of work, this has been considered in the context of the implementation of the actions identified in the 2018 audit. This has been reviewed by the Principal Child and Family Social Worker and the Group Manager for Safeguarding, Quality and Improvement. It has been concluded that there are currently sufficient numbers of trained staff to ensure that such assessments are carried out; this will continue to be monitored through reports to the multi-agency Harmful Sexual Behaviour Steering Group, which oversees work in this area.
30. A multi-agency Harmful Sexual Behaviour Panel has been established to oversee the progression of individual cases. The effectiveness of this Panel and overall development of work related to harmful sexual behaviour is reported to the multi-agency Safeguarding Assurance and Improvement Group which was established under the revised strategic safeguarding arrangements early in 2019. Councillor Tracey Taylor attends the Safeguarding Assurance and Improvement Group, on behalf of Councillor Philip Owen as the Lead Member for Children's Services.

Action 7 - A progress report regarding Harmful Sexual Behaviour will be taken to Children and Young People's Committee on 16 December 2019, including an update on the Harmful Sexual Behaviour action plan.

Action 8 - A further Harmful Sexual Behaviour multi-agency audit will be completed in 2020.

The Council's Current Residential and Fostering Services

31. Currently, the County Council operates seven children's homes, including three homes for children with physical and/or learning disabilities and a secure children's home, which is a national resource. Currently, the three mainstream children's homes are registered to provide beds for up to 11 young people who are unable to live at home or in foster care. The range of their needs includes prolific missing from care episodes, drug or alcohol abuse, mental health or emotional needs and long-term absence from full-time education. A decision was taken to temporarily suspend the use of four beds in one of those three homes in early 2019 to allow for staff training and development and refurbishment. It is planned that this home will be able to accept Looked After Children within the next few weeks. The County Council has recently approved plans to increase its internal residential homes estate and therefore reduce the need to rely on private children's homes.
32. All of the Council's children's homes seek to provide a safe and nurturing environment where the young people can be supported to meet their potential. Good quality

individualised care and support packages are in place for each young person and priority is given to ensuring that children's views are heard and understood.

33. To promote stability within the staff teams and enable meaningful and positive child/worker relations to be developed, importance is given to ongoing staff training and development.
34. All children's homes are inspected by Ofsted on a regular basis – currently the 2 open mainstream homes are both judged to be Good.
35. The Council's Fostering Service is responsible for recruitment, support and training of all Nottinghamshire foster carers. A campaign aimed at increasing the number of foster carers is planned for September 2019 – so that more Looked After Children can be placed with internal foster carers and reduce the need to use Independent Fostering Agencies. The aim is to recruit 50 new carer households over the next three years 2019-2021. To support the recruitment and retention package, payment levels offered to foster carers were increased as from August 2019. This complements a package of quality training and support. The training for foster carers is planned to be expanded so that all carers will be trained to be therapeutic carers to help them in supporting children who have experienced abuse or trauma and have attachment issues. Reviews of foster carers take place annually and are approved by senior managers.
36. Matching the needs of children and young people with foster carers is undertaken by the Council's Placements and Fostering Teams although the availability of carers at any one time can have an impact on this.
37. The Council has engaged with victims and survivors to share their past experiences with current staff and foster carers to promote learning and enhance current practice, in particular to stress the importance of listening to children and allowing them to have a voice.
38. The safety and welfare of children looked after by the County Council is the highest priority for the Council and all children who are looked after by Nottinghamshire, whether in residential or foster care, are made aware that they can contact an independent advocate. The Council has an externally commissioned advocacy service provided by the Children's Society. Additionally, all children have regular review meetings chaired by an Independent Reviewing Officer and those Officers also meet with young people in between their reviews. Both of these arrangements allow opportunities for young people to raise any worries regarding their placement or other issues without speaking to directly responsible social workers or to homes managers, should they choose to do so. Also, social workers for individual children ensure that they see the child alone on a regular basis.
39. A web-based communication for young people in the Council's care, called Mind of My Own, has recently been introduced whereby they can send a message via a specific app on their mobile phone to a discrete account held by an identified social worker. This is based on a national initiative promoting the use of technology as an additional way for young people's voices to be heard.
40. The IICSA report notes the barriers to disclosure of abuse experienced by children and young people in the past and have identified this as an area to which they will return. The

above practices in place seek to empower children and young people and address the difficulties they are likely to have in disclosing any abusive experiences.

41. Any allegation of abuse made by a young person against residential staff or foster carers will continue to be reported to the Local Authority's Designated Officer for oversight of the response through to an outcome being reached to ensure a robust response.
42. All Looked After Children have a completed risk assessment which provides information for their carers to help them best meet the child's needs and promote their safety. All residential staff and foster carers receive training to help them identify any concerns regarding contextual safeguarding – aiming to reduce the risk of young people becoming involved in criminal or sexual exploitation.
43. The County Council children's services are due to be inspected by Ofsted in the near future, which will include a focus on evaluating the effectiveness of foster carer recruitment, assessment, training and support.

Action 9 – Review Ofsted inspections of residential children's homes for the past two years and the forthcoming Ofsted inspection of children's services, to identify any themes that should be incorporated into the comprehensive action plan arising from the IICSA report (see paragraph 52).

IICSA Report Recommendation for Nottinghamshire County Council

44. The IICSA report has made one recommendation in relation to current County Council practice regarding assessing the potential risks posed by current and former residential care staff and foster carers.
45. Work is already underway to review and ensure that all appropriate checks have been completed and can be evidenced for current residential staff, including referral to external bodies where appropriate. This includes considering actions taken in relation to any sexual abuse allegations against members of staff. Any issues identified will be considered by a panel of senior officers and dealt with in accordance with the Council's agreed policies and procedures and any external bodies notified accordingly.
46. Extensive information was provided to the Inquiry at their request in relation to allegations of sexual abuse against former members of staff over several decades, many of whom are now retired and, in some cases, deceased. In line with the Inquiry's recommendation, work will now be undertaken to review all of the available information compiled from a variety of sources, using a risk assessment approach to determine whether there is any further action the Council now needs to take. This will be determined by the same panel of senior officers, including the Corporate Director for Children's Services.
47. In respect of the assessment regarding foster carers, senior managers have had an initial meeting to consider how this review should be best carried out.

Action 10 - Complete review of existing residential staff and take any necessary actions by January 2020.

Action 11 - Review information available in relation to former members of staff and determine any necessary actions using a risk-based approach by January 2020.

Action 12 - Senior managers will scope the approach to the assessment of the potential risks posed by current and former foster carers, for incorporation into the comprehensive action plan (see paragraph 52).

Next Steps for IICSA

48. The Nottinghamshire Councils investigation is one of 14 IICSA investigations and is one of three investigations that focusses on events within named local authorities. The other two local authority investigations are the 'Cambridge House, Knowl View and Rochdale' investigation and 'Children in the Care of Lambeth Council' investigation.
49. The Rochdale investigation report was published in April 2018, but the date for the Lambeth public hearing is yet to be announced. At the conclusion of the Children in the Care of Lambeth Council investigation, the evidence from the three local authority investigations (Rochdale, both Nottinghamshire Councils and Lambeth), as well as further relevant evidence from research workstreams, will be considered by the Inquiry. This may lead to further recommendations by the Inquiry for all local authorities.
50. Leicestershire County Council is a core participant in the "Institutional responses to allegations of child sexual abuse involving the late Lord Janner", which will have a public hearing in February 2020. However, this investigation is not classified as a local authority investigation.
51. In addition, as part of the second phase public hearing for the Accountability and Reparations investigation in November 2019, IICSA will return to civil litigation issues which also emerged during the Nottinghamshire Councils investigation. The County Council will consider the IICSA findings from this investigation and any key recommendations will inform the Council's future practice and be incorporated into the comprehensive action plan as appropriate.

Next Steps for the Council

52. The County Council will develop a comprehensive action plan in relation to the actions identified in this report and collated below. The comprehensive action plan will include the Council's formal response to the one IICSA recommendation for the Council and will be reported to the Children and Young People's Committee on 16 December 2019.

Action 1	To engage with victims and survivors in the Council's response to the IICSA report.
Action 2	To provide sufficient permanent funds to secure the future of the Historical Abuse Team through the County Council's budget setting process for 2020/21.
Action 3	To work with partners on the needs assessment and the review of services for victims and survivors, to inform future design and re-commissioning. Any

	financial implications will be incorporated into the Council's budget setting process for 2020/21.
Action 4	A reporting process will be developed to provide oversight regarding incidents of sexual abuse and harmful sexual behaviour involving children in care, and the response to such incidents.
Action 5	New guidance for Members visits will be considered at the Children's Homes Governance Board in September 2019.
Action 6	The County Council will complete a further review of governance arrangements for the Council's Looked After Children care settings. The detailed arrangements for this review will be incorporated into the wider IICSA action plan (see paragraph 52).
Action 7	A progress report regarding Harmful Sexual Behaviour will be taken to Children and Young People's Committee on 16 December 2019, including an update on the Harmful Sexual Behaviour action plan.
Action 8	A further Harmful Sexual Behaviour multi-agency audit will be completed in 2020.
Action 9	Review Ofsted inspections of residential children's homes for the past two years and the forthcoming Ofsted inspection of children's services, to identify any themes that should be incorporated into the comprehensive action plan arising from the IICSA report (see paragraph 52).
Action 10	Complete review of existing residential staff and take any necessary actions by January 2020.
Action 11	Review information available in relation to former members of staff and determine any necessary actions using a risk-based approach by January 2020.
Action 12	Senior managers will scope the approach to the assessment of the potential risks posed by current and former foster carers, for incorporation into the comprehensive action plan (see paragraph 52).

Other Options Considered

53. No other options have been considered.

Reason/s for Recommendation/s

54. The County Council is supportive of the recommendation made by IICSA in their final report because it is important that assurance is sought of any risks that could be posed by current or former employees and foster carers in order to help keep children and young people safe.

Statutory and Policy Implications

55. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Safeguarding of Children and Adults at Risk Implications

56. The proposed assessment of potential risks posed by current and former residential care staff and foster carers should strengthen arrangements for the safeguarding of children and adults.

RECOMMENDATION/S

That:

- 1) the County Council will develop a comprehensive action plan, within three months of this report to Policy Committee, which will be monitored and scrutinised by the Children and Young People's Committee at appropriate intervals.
- 2) a final report will be brought back to Policy Committee on completion of the actions within the comprehensive action plan.

Councillor Mrs Kay Cutts MBE
Leader of the Council

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Constitutional Comments (GR 04/09/19)

57. Pursuant to Part 4 of the County Council's Constitution the Policy Committee has the delegated authority to receive this report and make the recommendation contained within this report.

Financial Comments (NS 10/09/19)

58. A number of actions set out in the report may have financial implications. At this stage these cannot be quantified. As indicated in the report any budgetary implications will be taken into account in constructing the budget for 2020/21.

HR Comments (MT 06/09/19)

59. Trades Union colleagues have been briefed and kept updated as to progress in relation to the Independent Inquiry into Child Sexual Abuse via the Central Joint Consultative and Negotiating Panel. A further, more detailed discussion, in relation to the recommendations and their implementation is scheduled for the next meeting of Central Panel on 19 September 2019. The outcome of these discussions will be reflected in the action plan under development.

Data Protection and Information Governance Implications (HD 10/09/19)

60. In order to provide appropriate protection to data subjects, actions arising in connection with this report and the comprehensive action plan will be undertaken in compliance with relevant law and policy relating to data protection and information governance.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- 'Staffing Resources for the Independent Inquiry into Child Sexual Abuse' Report to Policy Committee - 15 June 2016
- 'Response to Historical Child Abuse – Resources' Report to Policy Committee - 20 December 2017
- 'Independent Inquiry into Child Sexual Abuse' Report to Full Council – 18 January 2018
- Child Migration Programmes Investigation Report – March 2018
- Sexual Abuse of Children in Custodial Institutions: 2009-2017 Investigation Report – February 2019
- 'Response to Historical Child Abuse – Resources' Report to Children and Young People's Committee - 18 March 2019
- Children in the care of the Nottinghamshire Councils Investigation Report – July 2019

Electoral Division(s) and Member(s) Affected

All.

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