

16th December 2019

Agenda Item: 4

REPORT OF THE CORPORATE DIRECTOR, CHILDREN AND FAMILIES

INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE – ACTION PLAN

Purpose of the Report

1. As agreed at Policy Committee on 18th September 2019, this report seeks Committee approval of the Council's detailed action plan formulated in response to the findings of the Independent Inquiry into Child Sexual Abuse (IICSA) report "Children in the Care of Nottinghamshire Councils" published on 31st July 2019.
2. The report also seeks approval to establish a cross-party working group of Members and officers to review and develop recommendations regarding the governance arrangement of the Council's Looked After Children care settings.

Information

3. The report of the Leader of the Council to Policy Committee on 18th September 2019 outlined the background of IICSA and in particular its investigation into the institutional response of Nottinghamshire County Council, Nottingham City Council, Nottinghamshire Police and the Crown Prosecution Service to allegations of sexual abuse made by children who were abused whilst in the care of the Councils and who lived in residential homes or with foster families.
4. That report described how the Council had responded to information requests from IICSA and its participation in the public hearings held in October 2018.
5. The Council's initial response to the IICSA report's findings and its one recommendation for the Council was contained within the report, set out 12 specific actions under five key themes. This subsequent report to Children and Young People's Committee provides further information regarding these 12 actions including progress made to date.
6. The Council has developed action plans for the five key themes, detailed below, those being: **Support for Victims and Survivors, Governance and Scrutiny, Harmful Sexual Behaviour, Current Residential and Fostering Services and the Response to the Specific IICSA Recommendation.** Appendix 1 to this report highlights the key themes, lead officers' progress update and timelines for specific actions.

7. The Council has confirmed to IICSA that its identified actions are contained within the published report to Policy Committee in September 2019 and that further detailed information is contained within this published report to the Children and Young People's Committee. This therefore meets the requirement of the Public Hearing Act to publish the Council's response within six months of the publication on the Inquiry report.

Support for Victims and Survivors

Lead Officers: Paul Johnson, Service Director, Strategic Commissioning and Integration, Adult Services; Pam Rosseter, Group Manager, Historical Abuse

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

Action 2: To provide sufficient 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 the future design and recommissioning. Any financial implications will be incorporated into the Councils budget setting process for 2020/21

8. The Council is committed to continuing engagement with victims and survivors and a key element of this is attendance at the ongoing Victim and Survivor Support Group meetings. The Council's actions in response to the IICSA report have been shared with victims and survivors through that forum and the Council will continue to seek victims' and survivors' views to inform development of practice on a regular basis.
9. A continuing robust response to historical / non-recent abuse by maintaining dedicated resources is a key priority for the Council. The Council is committed to this being maintained. The current arrangements have been in place since 2015, funded from contingencies. To ensure a specialised service continues to meet the requirements of both criminal and civil litigation processes and provide support to individual victims and survivors as needed, ongoing funding is going through the formal approval process.
10. The Council will mainstream its response to historical / non-recent abuse by aligning this with revised arrangements for responding to contemporaneous allegations against those who work with children. This will permanently establish such a response within the Council's safeguarding arrangements. The impact of this development will be brought to the Children and Young People's Committee in April 2020.
11. The Office of the Police and Crime Commissioner together with NHS England have externally commissioned a needs assessment to provide the evidence base for future commissioning of services to support victims and survivors. This work has been informed by consultation with victims and survivors as well as with other key stakeholders including service providers. The Council has contributed to this needs assessment and is supportive of its recommendations which were shared at a meeting of key partners on 8th November 2019. The Council remains committed to continuing to fund specialist posts which provide dedicated support services for victims and survivors and working with partners to strengthen services in order that the needs of victims and survivors can be met in a timely and comprehensive way.

Governance and Scrutiny

Lead Officer: Laurence Jones, Service Director, Commissioning and Resources, Children and Families

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 Member visits will be issued at the Children’s Homes Governance Board in September 2019

Action 6 – The County Council will complete a further comprehensive review of governance arrangements for the Council’s Looked After Children care settings

12. A process has been further developed to collate and report incidents of sexual abuse and harmful sexual behaviour involving children in care. This will enable senior managers and Members to have an oversight of such incidents and an assurance of the robustness of response. Information will be provided to Children and Young People’s Committee in February 2020 and then at six monthly intervals.
13. New guidance for Member visits to Nottinghamshire County Council children’s homes was approved at the September meeting of the Children’s Homes Governance Board. This Board was established following a report to the Children and Young People’s Committee in March 2019 and is a cross-party group led by Members. The guidance established the expectations for the visits, including that Members are encouraged to visit the homes at times where children are present and engage with them. The guidance stated that “visits allow Elected Members to understand more about the experiences of children in care, to hear directly from them and to hear about any concerns or examples of good practice from staff as well as the children themselves”. It also established how Members can escalate any concerns. By the end of this calendar year all homes will have been visited by a Member, with the exception of Oakhurst. The Corporate Director also makes unannounced visits to children’s homes at times when children are likely to be present. His last visits took place during October half term.
14. Together with the guidance, Members who sit on the Children’s Homes Governance Board and undertake the visits to children’s homes, are being provided with briefings by Practice Consultants in order that Members have a greater understanding of the organisation of the homes and maximise the effectiveness of these visits. An evaluation of visits undertaken to date will be discussed at the meeting of the Children’s Homes Governance Board in January 2020. This will include the views of children and young people.
15. At Policy Committee in September, Members agreed to a review of the governance arrangements for the Council’s Looked After Care settings, including consideration of whether the Council should re-establish the Corporate Parenting Sub-Committee. In order to undertake this review, it is recommended that a cross-party working group, comprising Members and senior officers, should be established to agree the scope, oversee the work and formulate recommendations (**Appendix 2**). It is proposed that the group will meet for the first time in February 2020 and thereafter on a monthly basis. The resulting

recommendations would be contained within a report to the Children and Young People's Committee in July 2020.

16. As part of that review, the Council will ensure there is consistency in practice regarding the submission of serious incident notifications to Ofsted and ensuring senior managers and Members are briefed regarding significant events.

Harmful Sexual Behaviour

Lead Officer: Laurence Jones, Service Director, Commissioning and Resources, Children and Families

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 harmful sexual behaviour multi-agency audit will be completed in 2020.

17. Harmful sexual behaviour refers to abusive behaviour by a child or young person. A full report regarding the development of the Council's strategic and operational response in this area is also on the agenda of this meeting of the Children and Young People's Committee. This work is overseen by a multi-agency Steering Group which includes colleagues from Children's Social Care, Youth Offending Service, police and health.
18. IICSA was positive regarding the Council's actions to further develop its response to harmful sexual behaviour, including undertaking practice audits and implementing recommendations. This included establishing a multi-agency Harmful Sexual Behaviour Panel to oversee the progression of individual cases. The multi-agency Safeguarding Assurance and Improvement Group, established under the strategic safeguarding arrangements, has responsibility for the oversight and scrutiny of continual improvement in this area.
19. A multi-agency case audit will take place in 2020, with the first planning meeting being held by the Harmful Sexual Behaviour Steering Group in December 2019. At that meeting, the terms of reference and scope for the audit will be detailed. The focus of the audit will be on recognition, procedural compliance and outcomes in regards to individual cases. The findings from this audit and recommendations will be reported to the Safeguarding Assurance and Improvement Group in June 2020.
20. Additionally, a further organisational audit will be undertaken under the auspices of the strategic safeguarding arrangements. This audit provides a framework for agencies across the partnership to evaluate their strategic and operational response to harmful sexual behaviour and identify any further actions. The audit will allow for improvements in practice to be identified and also highlight any further areas for development across the partnership. The findings from this audit will also be reported to the Safeguarding Assurance and Improvement Group in June 2020.
21. A further report regarding developments in this area of work, with specific reference to issues and actions arising from the above audits, will be brought to the Children and Young People's Committee in July 2020.

Current residential and fostering services

Lead Officer: Devon Allen, Group Manager, Children's Homes

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

22. Findings from recent Ofsted inspections informed the development of individual action plans for each residential home, complementing issues identified from the Council's own oversight and scrutiny of practice. A comprehensive action plan for residential homes has now been produced to pull together the key themes arising to ensure learning across the residential service.
23. In order to confirm that all relevant actions had been identified, and in response to the above action, a review of all Ofsted inspections since July 2017 has been undertaken by senior managers, covering multiple inspections in that timeframe regarding Minster View, Caudwell House, The Big House, Oakhurst, Lyndene, West View and Clayfields.
24. The residential service action plan has identified key themes relating to staff qualifications, skills and training, including agency staff; governance and scrutiny; understanding of individual children's needs and behaviours; listening to the voice of the child; ensuring a robust response to all concerns and allegations; assessment of suitability of locations of homes; and evidenced based matching processes. A number of actions are identified for each of these key themes, with lead officers identified and updates on progress noted.
25. A number of key actions have been implemented to date, including bespoke training delivered in advance of a new training pathway for residential staff being in place for the 2020/21 training plan; a revised policy to strengthen Regulation 44 visits which are undertaken by three people independent of the Council; residential staff being trained to use the Mind of My Own app with young people; agreement that a part-funded dedicated police officer to liaise with the Council's children's homes will be in place from April 2020; an escalation process with the Virtual School established and the Virtual School Head being part of residential management meetings; and the reinstatement of a Placement Matching Panel.
26. The report following the full Ofsted inspection of children's services which took place during October 2019 is awaited. However, as Ofsted do not publish their Inspection of Local Authority Children Services inspection reports during the pre-General Election period, the report will not be available until the latter part of December. Following receipt of the report, consideration will be given to any further themes which need to be included within the action plan regarding children's homes or fostering services.
27. The detailed residential service action plan will be taken to the January 2020 meeting of the Children's Homes Governance Board.

IICSA Recommendation

28. The IICSA report had one recommendation for Nottinghamshire County Council. This was to assess the risk posed by current and former residential care staff and foster carers. The recommendation also stated that the County Council should ensure that residential care staff and foster carers provided by external agencies should be assessed by those agencies. Work has commenced in response to this recommendation as detailed below.

Staffing Review

Lead Officer: Marjorie Toward, Service Director, Customers, Governance and Employees, (directly employed and agency staff)

Lead Officer: Pam Rosseter, Group Manager, Historical Abuse (independent children's homes)

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

29. Prior to the publication of the IICSA report, a process had begun to review the existing children's residential workforce in order to be assured of the suitability of the workforce. A letter was sent by the Corporate Director for Children and Families Services to residential staff to confirm that this work was underway in line with the publication of the report to Policy Committee in September. This letter clarified for staff that the review would be considering current information held on personal files, employment procedure files such as discipline or capability, as well as seeking the views of line managers where concerns have previously been raised.
30. Discussions have taken place with relevant Trade Unions to keep them fully informed of the review being undertaken and the rationale for this.
31. Following completion of the above reviews, it is planned for a panel of senior managers, chaired by the Corporate Director of Children and Families Services, to be held to consider any issues which have been identified during the review processes. The panel will then decide if there is any action required in individual cases. Individual members of staff will be informed if any action is being considered in their case. Any identified actions will follow the Council's existing employment policies and procedures and include consideration of notification to external bodies accordingly.
32. Work is also underway to review former employees on a risk assessed basis and identify any necessary actions using the information collated for the Public Inquiry. It is intended to complete this review by the end of January 2020.
33. The second phase relates to residential staff provided externally and those employed within independent children's homes where Nottinghamshire children have been placed. In response to the first part, the Council is engaging the cooperation of the provider who supplies agency staff for the Council's children's homes, since 2015, to undertake a review

of their current and former staff and take any necessary actions in a similar way to the process outlined above for the Council's own staff. Additionally, a letter has been sent to all independent children's homes on the East Midlands Framework to also engage their cooperation in completing a similar review. Support has been offered to these providers in this respect, including the opportunity to attend a briefing session. A timeline has been set for reviews to be completed by the end of April 2020.

Foster Carer Review

Lead Officer: Pam Rosseter, Group Manager, Historical Abuse

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

34. The response to allegations of sexual abuse made against a foster carer follow a robust process, being referred to the Local Authority Designated Officer and following agreed child protection procedures. This is followed by a review undertaken by a Fostering Independent Reviewing Officer, consideration at a Fostering Panel and ultimately a decision made by a senior manager as to whether the carer is suitable to continue to foster.
35. Similar to the actions in relation to residential staff, the response to this action will incorporate consideration of both current and former foster carers registered by the Council and those provided by independent fostering agencies. In terms of the Council's current and former carers, a meeting of senior managers was held in September 2019 to consider the best approach to take to respond to this recommendation and the conclusion was reached to commission an external consultant to lead on this review in order to fully demonstrate independent scrutiny of the process. The Council's preferred agency provider has been approached in order to identify appropriately qualified and experienced potential consultants. The decision as to who will be appointed to this role will rest with the Corporate Director, Children and Families Services. The intention is for the review to commence in January 2020 and be completed by the end of April 2020. Funding for this approach has been secured. The review will include consideration of all appropriate documentation, such as initial checks, annual reviews and responses to any previously identified concerns.
36. A risk-based methodology has been developed to review the foster carer cases and this is currently being trialled on a small number of cases to ensure fitness for purpose prior to the independent review commencing.
37. In respect of Independent Fostering Agencies, a meeting was held between senior managers from the Council and Nottingham City Council, who had the same recommendation in the IICSA report, where it was agreed that a joint approach would be undertaken to avoid any duplication of process. In order to engage with Independent Fostering Agencies and gain their co-operation to undertake a review, a joint letter was sent in October 2019 to the 69 Independent Fostering Agencies that are either on the East Midlands Framework or have had a child placed with their foster carers from either Council in recent years. Support has been offered to the independent agencies, primarily by providing a briefing session on 30th October 2019 to explain the recommendation and provide examples of the approach being taken by the Councils. It is the responsibility of each Independent Fostering Agency to quality assure their own review process, but each

agency contacted has been asked to confirm their agreement to conducting a review. To date, 44 of the 69 agencies contacted have returned a signed form stating their intention to undertake a review in line with the IICSA recommendation. Further contact is being made with the remaining agencies to clarify their response. The Councils have requested that the agency reviews are completed by the end of April 2020 and for confirmation of completion to be sent to the Council.

38. All children looked after who are not placed with internal foster carers are placed with carers from agencies on the East Midlands Framework. If this is not possible and a placement is sourced from an agency which is not a member of the Framework, then the placement will be under the same individual placement agreement as the Framework. The future D2N2 Framework, which will be active from February 2020, will strengthen arrangements to ensure that agencies undertake safeguarding checks, DBS (Disclosure and Barring Service) checks and report any allegations.

Other Options Considered

39. No other options were considered.

Reason/s for Recommendation/s

40. The County Council is supportive of the report by IICSA and will fulfil the recommendation in order to produce assurance that any risks posed by current and former residential staff and foster carers have been addressed in order to keep children in the Council's care safe. The Council will also go beyond the recommendation to respond to other issues arising from the report findings and identify further work to improve practice and outcomes for victims and survivors and current children in care.

Statutory and Policy Implications

41. 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.

Financial Implications

42. To ensure a specialised service continues to meet the requirements of both criminal and civil litigation processes and provide support to individual victims and survivors as needed, ongoing funding of £248,000 will be required. This will be taken into account when constructing the budget for 2020/21.
43. The commissioning of an external consultant to review potential risks posed by current and former foster carers, referred to at **paragraph 35**, is approximately £30,000 and will be met from the IICSA reserve.

Safeguarding of Children and Adults at Risk Implications

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

RECOMMENDATION/S

That:

- 1) the action plan formulated in response to the findings of the Independent Inquiry into Child Sexual Abuse report 'Children in Care of Nottinghamshire Councils' is approved (**Appendix 1**), and a progress report is brought back to the Children and Young People's Committee in July 2020
- 2) a cross-party working group of Members and officers is established to review the governance of Looked After Children care settings and provide recommendations to the Children and Young People's Committee in July 2020.

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Constitutional Comments (GR 04/12/19)

45. Pursuant to the County Council's constitution this committee has the delegated authority to receive this report and make the recommendations contained therein.

Financial Comments (SAS 03/12/19)

46. To ensure a specialised service continues to meet the requirements of both criminal and civil litigation processes and provide support to individual victims and survivors as needed, ongoing funding of £248,000 will be required. This will be taken into account when constructing the budget for 2020/21.
47. The commissioning of an external consultant to review potential risks posed by current and former foster carers, referred to at **paragraph 35**, is approximately £30,000 and will be met from the IICSA reserve.

HR Comments (BC 03/12/2019)

48. As detailed in the IICSA action plan, existing residential staff and the recognised trade unions have been informed of the staffing review. Individual members of staff will be

informed if any action is being considered in their case and any identified actions will follow the Council's existing employment policies and procedures and include consideration of notification to appropriate external bodies.

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 on 15 June 2016](#)

[Responses to Historical Child Abuse – Resources - report to Policy Committee on 20 December 2017](#)

[Independent Inquiry into Child Sexual Abuse - report to Full Council on 18 January 2018](#)

[Response to Historical Child Abuse – Resources - report to Children and Young People's Committee on 18 March 2019](#)

Children in the care of the Nottinghamshire Councils Investigation Report – July 2019

[Independent Inquiry into Child Sexual Abuse – Initial Response – report to Policy Committee on 18 September 2019](#)

Guidance for Elected Members – Visits to Children's Residential Homes - report to Children's Homes Governance Board – September 2019

Electoral Division(s) and Member(s) Affected

All.

C1327