

21st September 2020

Agenda Item: 6

REPORT OF THE CORPORATE DIRECTOR, CHILDREN AND FAMILIES

INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE – ACTION PLAN

Purpose of the Report

1. The purpose of this report is to provide Committee with information regarding the progress made against 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.

Information

2. The IICSA report set out the findings from their 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 carers.
3. In response to the IICSA report's findings and its one recommendation for the Council, 12 specific actions were identified under five key themes as previously reported to Policy Committee in September 2019 and in more detail to the Children and Young People's Committee in December 2019. The Council informed IICSA that its identified actions were contained within the published report to the Children and Young People's Committee which met the requirement of the Public Hearing Act to publish the Council's response within six months of the publication of the Inquiry report.
4. The five themes identified are Support for Victims and Survivors; Governance and Scrutiny; Harmful Sexual Behaviour; Current Residential and Fostering Services and the Council's response to the specific IICSA recommendation to seek assurance regarding those working with children in residential care and foster care.
5. This report provides information regarding progress made against all these themes. Committee will be aware that colleagues involved in taking this work forward, both within the Council and from partner agencies, have been impacted by Covid-19 since March 2020, in terms of different working practices and the need to respond to additional new priorities. It should be noted that in some instances this has resulted in specific actions being paused or timescales needing to be extended.

Support for Victims and Survivors

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

6. The Council is committed to continuing engagement with victims and survivors and a key element of this has been attendance at the Victim and Survivor Support Group meetings. The Council's actions in response to the IICSA report were shared with victims and survivors through that forum. There has not been an actual meeting of the Group since lockdown in March 2020 but contact has been maintained with the victims and survivors including seeking their views on holding a virtual meeting. The preference expressed has been to meet personally rather than virtually and this will be actioned as soon as feasible.
7. A continuing robust response to non-recent abuse allegations by maintaining dedicated resources has been a key priority for the Council, in order to meet the requirements of both criminal and civil litigation processes and provide support to individual victims and survivors as needed. The Council's action plan in response to the findings of the IICSA report included a commitment to secure ongoing funding for its dedicated resource to respond to allegations of non-recent abuse and funding for this purpose has been secured as part of the 2020-2021 budget construction.
8. A report was provided for the Children and Young People's Committee in June 2020 to seek approval for the establishment of a new Managing Allegations Service model which will align the response to non-recent abuse with revised arrangements for responding to contemporaneous allegations against those who work with children. This will enable the response to non-recent abuse to be permanently embedded within the Council's safeguarding arrangements. Following Committee approval, work has progressed to establish this new service and a recruitment process has been undertaken. On completion of that process, it is planned that the new service will be operational from November 2020.
9. The Council has continued to work with partner agencies to further develop support services for victims and survivors in line with the recommendations from the externally commissioned needs assessment. Work has continued to be informed by consultation with, and the involvement of, victims and survivors. Representatives from the Council remain part of the multi-agency group held under the auspices of the Office of the Police and Crime Commissioner. This group was involved in consultation with Home Office policy advisers working on a cross-Government strategy including how services for victims of sexual abuse are commissioned. Locally a plan for a new service model has been developed to provide coordinated specialist support services and a tender process, which included a Council representative, has recently been completed in this respect. The Council has committed to maintaining its contribution to existing support services until the new model is operational.

10. There have been specific developments in the provision of Personal Health Budgets for adult victims and survivors of childhood sexual abuse led by the Clinical Commissioning Groups. This has included appointments to specialist posts and the establishment of a multi-disciplinary panel to consider and agree budget allocation. This panel now includes representatives from the Council's Historical Abuse Team and Adult Social Care – which also promotes coordinated and timely access to Council services as needed. Support to individual victims and survivors has continued to be provided by the Council's Historical Abuse Team as needed, including support with accessing and understanding past child care records, reporting concerns via criminal or civil processes and accessing specialist support services.

Governance and Scrutiny

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

11. A process has been developed to collate and report incidents of sexual abuse and harmful sexual behaviour involving children in the care of the Council in order to provide senior managers and Members with an oversight of such incidents and an assurance of the robustness of response. A separate report for consideration by Members will be provided to the Children and Young People's Committee in due course.
12. The Children's Homes Governance Board, which is a cross-party group led by Members, approved new guidance for Member visits to Nottinghamshire County Council children's homes at its meeting in September 2019. The guidance established the expectations for the visits and how any concerns could be escalated.
13. Members who sit on the Children's Homes Governance Board and undertake the visits to children's homes were provided with briefings by Practice Consultants to promote a greater understanding of the organisation of the homes and maximise the effectiveness of the visits. Members provide a report of their visit to a home to the Governance Board covering the nature of the visit, who was seen and spoken to and Members' observations.
14. However, as a result of Covid-19, Members visits to children's homes had to be suspended as was also the case for Regulation 44 visits undertaken by independent visitors and unannounced visits by the Corporate Director, Children and Families. However, the Regulation 44 visits did continue on a virtual basis and since August have resumed as actual visits observing the risk assessments in place to manage the impact of Covid-19 in the homes. There has been one virtual meeting of the Governance Board held in May 2020 and an update report was also provided to Board members in July 2020 regarding the children's homes which incorporated aspects from the action plan. A further meeting of the Board is scheduled for September 2020. When Member visits are able to resume, there will be ongoing evaluation of the effectiveness of such visits using the revised guidance.

15. At Policy Committee in September 2019, 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. A proposal to establish a cross-party working group, comprising Members and senior officers, was included within the report to the Children and Young People's Committee in December 2019. Following Committee approval, a cross-party working group chaired by Councillor Taylor was established and met for the first time in March 2020. Further dates for the group were scheduled but these were cancelled following the Covid-19 restrictions. It is proposed for there to be discussions with the chair of the group in early Autumn to agree a way forward to progress the work that had been identified as the remit for this group. It is hoped that meetings can be resumed during the Autumn with a view to reporting to Committee with recommendations in early 2021.
16. As part of the work of this group, 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

Action 7 – A progress report regarding harmful sexual behaviour will be taken to Children and Young People's Committee, 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 was provided to the Children and Young People's Committee in December 2019. Work in this regard is overseen by a multi-agency Steering Group which includes colleagues from Children's Social Care, Youth Offending Service, police and health. This Group has continued to meet on a virtual basis over recent months.
18. IICSA had positively noted the Council's actions to further develop its response to harmful sexual behaviour, including undertaking practice audits and implementing recommendations. A multi-agency Harmful Sexual Behaviour Panel had been established to oversee the progression of individual cases and this Panel has continued to meet virtually through this year. It has considered the individual circumstances of 56 young people and agreed plans to address and minimise their behaviour. The work of the Panel and the Steering Group is reported to the multi-agency Safeguarding Assurance and Improvement Group, established under the strategic safeguarding arrangements, which has responsibility for the oversight and scrutiny of continual improvement in this area.
19. It had been agreed that a multi-agency case audit would take place in 2020 focussing on recognition, procedural compliance and outcomes in regard to individual cases. This action has been completed with the initial findings from this audit being reported to the Safeguarding, Assurance and Improvement Group in August 2020. It is planned for there to be further case sampling in order to triangulate the findings prior to any recommendations being made.

20. It had also been agreed that an organisational audit would be undertaken in the same time period. Such an audit utilises a framework developed by the NSPCC whereby relevant agencies within the safeguarding partnership evaluate their strategic and operational response to harmful sexual behaviour and identify any potential for further development either within their own agency or across the partnership. This organisational audit has not been progressed during the pandemic, however it is planned for this to be undertaken during the Autumn under the auspices of the Steering Group.
21. A full report regarding developments in this area of work, with specific reference to issues and actions arising from the above audits, will be provided to the Children and Young People's Committee in November 2020.

Current residential and fostering services

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. A comprehensive action plan for residential homes had been developed informed by the Council's own scrutiny of practice, Ofsted inspections and the IICSA report. This promotes consistency of learning across the Council's residential estate. The Ofsted inspection undertaken in 2019 highlighted positive findings in respect of the Council's fostering service which was judged to be good.
23. The action plan for residential homes covers a number of key themes including staff qualifications, skills and training; governance and scrutiny; child-centred practice; robust response to all concerns and allegations; assessment of suitability of locations of homes; and evidenced based matching processes.
24. A number of key actions have been implemented to date, including the appointment to a dedicated police officer post to liaise with the Council's children's homes being in place since April 2020. There has been an impact of Covid 19 on staff training in so much as some training has had to be rescheduled although staff have continued to access online training and resources. During the recent period, there has been a need to increase the use of agency and relief staff; the Council has ensured that relevant risk assessments are in place regarding any staff without relevant qualifications.
25. Progress against the residential action has been overseen by the Children's Home Governance Board and this will continue to be the case pending further recommendations regarding the governance of all children in care settings as outlined in paragraph 15 above.

IICSA Recommendation

26. 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

Action 10 – Complete review of existing residential staff and take any necessary actions

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

27. A process had been in place, prior to the publication of the IICSA report, to begin to review the existing children's residential workforce of the Council in order to be assured of the suitability of the workforce and staff had been informed that this work was to be undertaken. It was clarified for staff that the methodology would be to consider information held on personal files and any employment procedure files, as well as seeking views of line managers.
28. Proformas were completed in respect of individual members of staff. The findings have been considered by a Panel chaired by the Corporate Director of Children and Families and including the Service Director for Youth, Families and Social Work and Service Director, Customers, Governance and Employees. The Panel meetings to progress this work were concluded by March 2020. In order to provide independent scrutiny, an external consultant has been commissioned to consider any issues raised and make recommendations as to whether any further actions are needed. Any actions identified will follow existing employment policies and procedures and include consideration of notification to external bodies if needed.
29. In respect of former employees, work has taken place to gather information to underpin this further phase. It is planned that Panel meetings will resume to give consideration to these individuals and in particular to ensure that any relevant notifications have been made as appropriate.
30. In relation to residential staff provided externally to work within the Council's homes, the Council has engaged the cooperation of the provider who has supplied agency staff for the Council's children's homes since 2015 to undertake a review of their current and former staff and to confirm that any necessary actions have been taken, to align with the process taken for the Council's own staff.
31. Finally in respect of residential staff, the Council has contacted those independent children's homes where Nottinghamshire children have been placed. A letter was sent to all independent children's homes on the East Midlands Framework, which was superseded by the D2N2 Framework from February 2020. This was to seek their cooperation in completing a review regarding residential staff employed by their agency, in a similar way to that undertaken by the Council. In order to offer support for this process, a briefing session was held for independent providers in January 2020. The size and complexity of the task was acknowledged in particular for those providers who govern a significant number of establishments. It was accepted that priority would be given to consideration of staff within those homes used for Nottinghamshire children although the principle of the recommendation would apply to the whole estate. The independent providers are responsible for scoping, undertaking and quality assuring their reviews in line with the recommendation.

32. The majority of independent children's homes contact have responded positively to this request and have confirmed their intention to complete a review of their staff. Some independent providers have also confirmed the conclusion of their review including that any necessary actions have been undertaken. The Council is currently in the process of seeking confirmation from the other independent providers that their reviews are being or have been concluded.

Foster Carer Review

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

33. The response to allegations of abuse made against a current foster carer, as for residential staff, follows a robust process, being referred to the Local Authority Designated Officer within agreed child protection procedures. For foster carers, there is then 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.
34. Similar to the actions in relation to residential staff, the response to this action has incorporated consideration of both current and former foster carers registered by the Council and those foster carers provided by independent fostering agencies. In terms of the Council's current and former carers, it was agreed to commission an external consultant to work with the Council on this review in order to demonstrate independent scrutiny of the process. This was progressed and an appointment made in January 2020 by the Corporate Director, Children and Families Services. An information gathering exercise was undertaken in order to identify not only the cohort of current carers but also those former carers who could be identified from the Council's systems. A methodology was developed to aid consideration of all relevant documentation available from electronic and hard copy records, including responses to any previously known concerns.
35. This review has been progressed during the year, with the external consultant directly reviewing specific cohorts of current carers, including those where there had been previous concerns leading to discussion with the Local Authority Designated Officer. The external consultant has also directly reviewed all cases of identified former carers including those where there had been concerns regarding sexual abuse. Fostering service staff have also been involved by considering other current carers and this process has been quality assured by the Council's Project Team. The findings from this internal review are currently being compiled in order to identify any issues for practice improvement and to give assurance that any necessary actions have been undertaken appropriately. Current foster carers will also continue to be subject to ongoing annual reviews of their suitability to foster in line with current regulations.
36. In respect of foster carers registered with Independent Fostering Agencies (IFAs), a joint approach has been taken with Nottingham City Council, as it had the same recommendation in the IICSA report, to avoid any duplication of process and bearing in mind that both authorities are contracted to the same regional framework. Similar to the process taken with independent children's homes, the focus has been on those IFAs who are part of the regional framework or have had children placed with their foster carers from either Council

in recent years. In addition to written communication, a briefing session was offered to explain the recommendation and provide examples of the approach being taken by the Councils. Each IFA has been responsible for scoping their own review and quality assuring its process. Again, similarly to independent children's homes, there has been a good level of positive engagement with IFAs confirming their intention to undertake a review in line with the IICSA recommendation. Some IFAs have also confirmed the conclusion of their review including that any necessary actions have been undertaken. The Council is currently in the process of seeking confirmation from the other IFAs that their reviews are being or have been concluded.

37. The D2N2 Framework has strengthened arrangements to ensure that agencies undertake safeguarding checks, Disclosure and Barring Service checks and report any allegations through the agreed formal processes including contact with the Local Authority Designated Officer.

Other Options Considered

38. No other options were considered.

Reason/s for Recommendation/s

39. The County Council has progressed work to respond to the IICSA recommendation in order to produce assurance that any risks posed by current and former residential staff and foster carers have been addressed and that children in the Council's care are kept as safe as possible. In addition, the Council has also responded to other issues arising from the report findings to further improve practice and outcomes for victims and survivors and current children in care. The majority of the specific actions have now been completed and some areas will be subject to separate reports to Committee, i.e. reporting process for allegations and work in relation to harmful sexual behaviour. Work with victims and survivors will continue under the auspices of the new Managing Allegations Service and as part of the work of Adult Social Care and Health.

Statutory and Policy Implications

40. 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

41. There are no direct financial implications arising from this report.

Safeguarding of Children and Adults at Risk Implications

42. The 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) Members consider whether there are any actions they require in relation to the issues contained within the report
- 2) Members agree to receive a follow up report on the actions arising from the specific IICSA recommendation in 3 months' time and a report regarding future governance arrangements for children in care settings in 6 months' time and that these be included in the work programme.

Colin Pettigrew
Corporate Director, Children and Families

For any enquiries about this report please contact:

Pam Rosseter
Group Manager, Historical Abuse
T: 0115 977 3921
E: pam.rosseter@nottsc.gov.uk

Constitutional Comments (GR 07/09/20)

43. Pursuant to the County Council's constitution the Children and Young People's Committee has the delegated authority to receive this report and make the recommendations contained within it.

Financial Comments (SAS 27/08/20)

44. There are no financial implications arising directly from this report.

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

[Independent Inquiry into Child Sexual Abuse – action plan – report to Children and Young People’s Committee on 16 December 2019](#)

[Establishing a Managing Allegations Service – report to Children and Young People’s Committee on 15 June 2020](#)

Electoral Division(s) and Member(s) Affected

All.

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