



**Government Response to the 9th Report of the Communities
and Local Government Select Committee 2014/15
Child Sexual Exploitation in Rotherham: Ofsted and Further
Government Issues**

Presented to Parliament
by the Secretary of State for Communities and Local Government
by Command of Her Majesty

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Introduction

This document sets out the Government's response to Child Sexual Exploitation in Rotherham: Ofsted and Further Government Issues report published by the Communities and Local Government Select Committee on 17 March 2015.

In August 2014 Professor Alexis Jay's Independent Inquiry into Child Sexual Exploitation in Rotherham (1997-2013) was published. Professor Jay described a long term failure by Rotherham Metropolitan Borough Council to tackle the emerging threat of child sexual exploitation in the Borough and estimated that 1,400 children had been sexually exploited there over a 16 year period.

Following the Jay report, the then Secretary of State for Communities and Local Government exercised his powers under the Local Government Act 1999 to order a statutory best value inspection of Rotherham Metropolitan Borough Council.

The independent inspection, which was led by Louise Casey CB, was published on 4 February 2015. The Secretary of State for Communities and Local Government and the Education Secretary accepted the Inspector's recommendation that directions should be issued to the Council and commissioners appointed to take over its major functions.

As part of the Government response to the events in Rotherham, Ministers in the Department for Communities and Local Government committed £250,000 towards the establishment of an assertive outreach programme to help address the lack of support for victims and their families in Rotherham. Further partnership funding from the Department for Education, Barnardo's and the KPMG Foundation has enabled a £3.1 million project, to be run by Barnardo's.

The project will help victims of sexual exploitation to rebuild their lives, including supporting them through the criminal justice system. It will identify those at risk and train organisations working with children in the town to spot the signs of exploitation. The project will employ a team of 15 and will run for three years, starting in the Autumn.

In March 2015 the Government published Tackling Child Sexual Exploitation, which sets out the steps the Government will take nationally to tackle child sexual exploitation and ensure perpetrators are brought to justice.

In parallel with this, the Communities and Local Government Select Committee held six evidence sessions and published two reports. The first report, published in November 2014¹, addressed the inadequacies in Rotherham's responses to child sexual exploitation as documented in the Jay report.

The Committee's second report on Rotherham considered the statutory inspection, the establishment of a sector-led Improvement Board and the appointment of Commissioners to run the Council.

The Committee drew some important conclusions and made a number of recommendations, which broadly align with priorities outlined in Tackling Child Sexual Exploitation. This document provides a response to the conclusions and recommendations directed at the Government, updating on progress as appropriate.

Ofsted's role in Rotherham was also examined, in particular the efficacy of its inspections of the Council's Children's Social Care service. As a non-ministerial department of the Government whose Chief Inspector is answerable to Parliament, Ofsted is providing its own independent response to those sections of the Committee's report which consider its performance. However, where other Government activity is also relevant to the Committee's recommendations on Ofsted, a response is provided below.

OFSTED

We accept that it is neither Ofsted's job to run local authorities' children's services nor a good use of tight resources for it to follow up in detail what each authority has done to address every finding in an inspection. The committee feels that Rotherham shows, however, that Ofsted cannot stand back when the welfare and safety of children are at risk. In the committee's view Ofsted needs to assess an authority's ability to operate the inspection process as it should function: that is to test the findings and see through improvements. (Paragraph 43)

1. As outlined above, Ofsted has provided a direct response to the Committee on all recommendations related to its performance in Rotherham.
2. On the wider issue of failure in local authority children's services, we believe the Government response is robust. Those authorities that have been found to be inadequate are subject to 'intervention' from the Department for Education. Intervention may take different forms depending on the circumstances. Current intervention activity ranges from the removal of services from local authority control (as in Doncaster, Slough and the Isle of Wight), to a Direction which requires an authority to undertake specific improvement activity (as in Norfolk), or an improvement notice which sets out what the authority must do to improve services (as in Manchester).

¹ Child Sexual Exploitation in Rotherham (3rd Report of the 2014/15 Session (HC 648))

3. The Minister of State for Children and Families in the Department for Education receives monthly reports about every authority in intervention, informed by the formal reporting of findings from Ofsted's monthly improvement work. Advisers and civil servants keep progress under review, reserving the right to change approach where sufficient progress is not being made.

| Intervention authorities data (at June 2015) | |
|---|------|
| Number currently in intervention | 21 |
| Number in process of decided agreed intervention action | 5 |
| Number previously in intervention | 57 |
| Average time spent in intervention (months) | 23.3 |
| Numbers exiting intervention since May 2010 | 29 |

Rotherham's State of Denial

In our view, faced with the denial of the evidence in the Jay Report and the findings in the Casey Report we cannot see that there was any reasonable prospect of Rotherham itself putting its own house in order. We conclude that the Secretary of State was justified in appointing commissioners to take over the executive functions of Rotherham Council. (Paragraph 64)

We conclude that, faced with an ineffective council administration and an ingrained culture of denial and bullying and sexist and intimidating behaviour, the Improvement Board operating in an advisory role would have had an uphill, if not impossible, struggle to facilitate any significant and timely improvement at Rotherham. (Paragraph 67)

4. The independent inspection of Rotherham Metropolitan Borough Council led by Louise Casey described extensive and entrenched failings across the Council, which extended to its governance and scrutiny functions. Louise Casey addressed members' further questions when she attended the Committee on 23 February.
5. The Government welcomes the Committee's endorsement that the profound failings identified presented a challenge beyond the scope and capacity of an advisory Improvement Board, so the Secretaries of State's appointment of commissioners was necessary and justified.

The Improvement Board and the return to democratic control

We consider that the Improvement Board, which has been in place and operating since September 2014, has built up knowledge and expertise which should be of benefit in ensuring a smooth and effective return to local democratic control in Rotherham. We recommend that the commissioners now in place in Rotherham consider using the Improvement Board to facilitate this process. (Paragraph 71)

6. The Government's intervention in Rotherham is designed to harness the potential value of an Improvement Board. It does so by requiring the Council to maintain such improvement

panels as the Commissioners may agree to, for the purpose of enabling the Council to be held to account for the progress it is making on securing future compliance with the best value duty and securing the performance of its children's social care functions to the required standard. The Commissioners have discretion to determine whether to continue the existing arrangements, to vary those arrangements, or to create entirely new arrangements.

7. The Government understands that the Commissioners have chosen to harness the expertise brought by core members of the original Improvement Board to act as a sounding board and source of constructive challenge, and have adapted the remit of the Board to reflect the new Commissioner-led arrangements. Rotherham Council's opposition now contributes directly to the improvement plan through membership of the newly formed 'Fresh Start' Improvement Plan Joint Board, chaired by Lead Commissioner Sir Derek Myers.
8. The Commissioners are also drawing on the specialist expertise of Board members to assist with reviews of service areas such as housing, to provide Leader support and scrutiny training to members and officers.

We consider that the Government's intervention in Rotherham must have a definite end point and strategy for returning the authority to democratic control. We welcome the Secretary of State's assurance that the services which can be passed back to local council control will be reviewed regularly. (Paragraph 69)

9. The Government considers that each aspect of the intervention should only last long enough to achieve the stated objectives.
10. As such, the Government expects the return of functions to the Council will be phased according to when there can be confidence that the Council could exercise a function in compliance with the Best Value duty and, in the case of children's social care functions, to the required standard.
11. This is reflected in the terms of the intervention, which institute a process whereby every three months a review is conducted of which – if any – functions may be returned. It may be possible to return certain functions in 2015, while further significant functions may be ready for return after the full council elections in 2016.
12. All functions are expected to be returned to the Council within four years. The terms of the intervention will remain in force until 31 March 2019, unless amended or revoked at an earlier date.

We recommend to the Government that as part of the process of returning Rotherham to full democratic control Louise Casey undertake a further inspection to establish that children's services at Rotherham are operating satisfactorily. (Paragraph 72)

13. Shortly after the statutory inspection of Rotherham Metropolitan Borough Council led by Louise Casey CB started on 1 October 2014, the Council's Children's Social Care service

was placed under a Government-appointed commissioner.

14. The Government acted swiftly following the Jay report and in response to concerns outlined in a letter to the Secretary of State for Education by Her Majesty's Chief Inspector Sir Michael Wilshaw that the service was failing to perform to an adequate standard.
15. The statutory inspection of Rotherham led by Louise Casey was able, therefore, to take account of observations from the incoming commissioner in its detailed consideration of the Council's Children's Social Care service.
16. Deficiencies identified by the statutory inspection further informed the Government's intervention in Rotherham's Children's Social Care Service, which continues under the same commissioner now operating through the auspices of the broader intervention which followed the Casey report.
17. Moreover, the intervention package incorporates a robust mechanism for the design, delivery and reporting of improvements by the Council. These include improvements to the Council's governance, leadership and the exercise of its overview and scrutiny functions, the poor functioning of which were considered by the inspection to have contributed to shortcomings in the Children's Social Care Service persisting unnoticed.
18. Rotherham is required to prepare improvement plans setting out measures to be undertaken, together with milestones and delivery targets against which to measure performance.
19. The Council is then required to undertake the measures set out in the improvement plans and such other measures as the Commissioners require to deliver the improvements, and to provide progress reports to the Government at six-monthly intervals.
20. The Council submitted its improvement plans to the Government on 26 May 2015 and is due to provide its first progress report on 26 August 2015.
21. These assurance processes underpin the Government's intervention in Rotherham. They are designed to ensure that no individual function is returned to the Council until the Commissioners and the Government are satisfied that the required standard has been achieved and sustainable improvements in overall governance have been demonstrated.
22. The Committee's confidence in the approach and findings of the statutory inspection which prompted the current intervention in Rotherham is noted and welcomed.
23. The Department for Education will continue its intervention and support activity in Rotherham until such time as an Ofsted inspection has identified significant improvements and Ministers are happy that those improvements can be sustained. However at this stage the Government does not consider that a further statutory best value inspection would be appropriate.
24. Rather, the Government considers that Rotherham's successful return to full democratic control will be rooted in the improvements and assurance processes of the intervention itself.

The conduct of former Council Officers

We welcome the action taken by Rotherham Council to start examination of the conduct of present and past employees, both those within a profession subject to a regulating body, such as the Health and Care Professions Council, and those who are not. The process now needs to be completed by the commissioners and, if necessary, by those local authorities for whom past senior employees from Rotherham now work. (Paragraph 74)

25. The Government notes the Committee's conclusions regarding action in relation to the conduct of present and past employees. Local authorities are independent employers and must ensure that they manage their workforces in the best interest of local people. It is for each council to make local, accountable decisions on the management of their staff. This includes decisions on their appointment, and establishing effective arrangements for managing their performance. Where staff are members of professional bodies, those bodies may also have a role to play in ensuring effective standards of performance.
26. The Government understands that the Commissioners have given full co-operation to those employers who have chosen to consider afresh the past conduct of ex-Rotherham employees.

Consequences where 'wilful neglect' established

If Parliament does extend 'wilful neglect' to cover children's social care we conclude that if any officer or councillor is found guilty of such an offence that should be automatic grounds for dismissal or disqualification. (Paragraph 75)

27. During the passage of the Serious Crime Bill the previous Government committed to hold a full public 12-week consultation on mandatory reporting of abuse of vulnerable children and adults and to provide the results of this consultation to Parliament within 18 months from Royal Assent of the Act. We intend to consider the question of extending 'wilful neglect' as part of that consultation.
28. This is a complex and emotive issue. It is right that Government hears the views of a wide range of professionals, experts, communities, non-governmental organisations and parliamentarians before taking any action. The consultation must be thorough, open and transparent with a rigorous evaluation of the responses.
29. The consultation will be launched later in the year, well within the commitment to complete the consultation within 18 months from Royal Assent of the Serious Crime Act (i.e. by Sept 2016).
30. The consultation will seek views on sanctions for failure to take action on child abuse or neglect where it is a professional responsibility to do so, including the option of extending the crime of 'wilful neglect' to cover children's social care and education. 'Wilful neglect' would impose criminal sanctions for those who are found guilty of deliberate, wilful or reckless neglect or mistreatment of children. It would cover inaction, concealment and/or

deliberate cover ups and would ensure that those responsible for the very worst failures in care can be held accountable.

Scrutiny within Local Government

The Jay and Casey Reports reveal a deeply concerning failure to scrutinise children's services in Rotherham. We recommend that local democratic control cannot be restored in Rotherham without an effective system of scrutiny in place. (Paragraph 77)

We conclude that the Jay and Casey Reports and the PwC report on Tower Hamlets, have raised for us disturbing questions about the effectiveness, capacity and function of local government scrutiny, which our successor committee in the next parliament may wish to examine. (Paragraph 78)

31. External reviews and reports by Ofsted were not the only channel whereby an alarm could have been raised over the Council's response to child sexual exploitation. The Council's internal process of scrutiny was markedly deficient in this regard.
32. Indeed, as the Committee's first report observed², the stimulus for Rotherham to commission Professor Jay's Independent inquiry was continued reports in the Times newspaper.
33. Both the Jay Report and the statutory inspection led by Louise Casey noted that while the Council had a scrutiny structure which appeared on paper to be comprehensive, there was little evidence of it holding individual Cabinet members or senior officials to account. Inspectors further concluded that the overview and scrutiny at Rotherham had been deliberately weakened and undervalued.
34. Accordingly, the Government's intervention in Rotherham has included the appointment of a full-time Managing Director Commissioner whose responsibilities include overseeing the improvements the Council needs to deliver not only in its oversight and scrutiny function, but also in the leadership, governance and culture without which effective scrutiny cannot be exercised.
35. Rapid and sustainable improvements in these functions have been required to form the basis for the improvement plan which the Council submitted on 26 May. The Government understands that the Commissioners have ensured that the whole scrutiny system has been overhauled, with new terms of reference and a standing panel to look at responses to child sexual exploitation across all agencies.

² Child Sexual Exploitation in Rotherham (3rd Report of the 2014/15 Session (HC 648))

36. The Government is also mindful that the Committee's earlier report raised concerns about whether the lack of effective scrutiny in Rotherham may be found elsewhere in local government, particularly where a single party dominates. The recommendation that a successor committee may wish to examine the broader effectiveness, capacity and function of local government scrutiny is noted.

We conclude that the experience of whistle-blowers at Rotherham was the anti-thesis of what a good whistle-blowers policy should be. (Paragraph 80)

37. The Government recognises the role employees may need to play in exposing malpractice and strongly advises local authorities to have whistle blowing procedures in place. Employees who become whistle-blowers are protected from dismissal or adverse treatment by the Public Interest Disclosure Act 1998. They may also contact the local auditor, who can consider any concerns as part of the audit of the Council.
38. The statutory inspection into Rotherham Metropolitan Borough Council led by Louise Casey concluded that 'RMBC goes to some lengths to cover up information and silence whistle-blowers'. Inspectors were told that while employees were made aware of the whistleblowing procedure, fears of reprisals deterred them from using it.
39. Currently, for the purpose of whistle blowing in respect of functions transferred to the Commissioners for the duration of Government's intervention in Rotherham, the Commissioners are considered to be a responsible person for the purposes of making a protected disclosure.
40. The Government understands that whistle blowing policies are being reviewed at the Council. The Commissioners have also sought to strengthen other ways of inviting commentary on the performance of the Council with enhanced audit, independent research on public opinion and a series of roadshows which are planned to talk to 1,000 local residents about local life and the work of the Council.
41. At a national level, in Tackling Child Sexual Exploitation the Government has made the following commitments to facilitate whistleblowing of serious concerns related to the safeguarding and protection of children.
42. The Government will:
- Create a new expectation that all organisations that have safeguarding responsibilities must have internal whistleblowing policies in place, which are then integrated into training and codes of conduct. These policies should reflect the principles that Sir Robert Francis sets out in his review 'Freedom to Speak Up'. This will improve how organisations manage whistle blowing cases so there can be no cover-ups.
 - Create a new national single point of contact for child abuse-related whistleblowing reports to ensure that all professionals can raise concerns about how their organisation is protecting children from the risk of abuse. This new single point of

contact will be able to spot patterns of failure across the country and link to the new joint area inspections where there are concerns.

- Ensure that the new multi-agency inspections examine whistle blowing arrangements.

In our view South Yorkshire Police would benefit from an inspection into its handling of child sexual exploitation in Rotherham along the lines of that conducted by Louise Casey. It would ensure that the Police are fully held to account. (Paragraph 82)

43. It is the responsibility of individual Police and Crime Commissioners to hold their force to account, including commissioning inspections and any further work where appropriate.
44. The South Yorkshire Police and Crime Commissioner, Dr Alan Billings, announced on 10 June 2015 that he had appointed Professor John Drew to lead an Independent Review of South Yorkshire Police's handling of reports of child sexual exploitation.

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