



Doncaster Council

Report

Date: 01/12/2021

To the Chair and Members of the Cabinet

REPORT TITLE: Specialist Safeguarding Update

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Rachel Blake Portfolio Holder for Children's Social Care, Communities and Equalities	All	Yes

EXECUTIVE SUMMARY

1. Doncaster Council has a statutory role in assuring the safety of young people and children in the borough, which includes leading on investigations into concerns around incidents of alleged abuse in privately run homes in the borough, irrespective of where the homes' customers are from originally.
2. Our responsibility as a corporate parent is one that this council takes very seriously and therefore we have a duty to carry out safeguarding duties including investigations to their utmost diligence and application.
3. In February 2021, Ofsted received a whistleblowing referral reporting allegations of abuse at two independent children's homes based in Doncaster.
4. Doncaster safeguarding partners, including Doncaster Council, took proactive and decisive action following the whistleblowing referral and put in train actions to safeguard children, young people and young adults, enacting national policy, and best practice principles.
5. Ofsted conducted assurance visits on the 12th and 23rd of March 2021. Following these visits, and supplementary information submitted by Doncaster safeguarding partners, Ofsted suspended the homes' registration. These registrations both remain suspended.
6. It was agreed by Doncaster Safeguarding Partners in March 2021 that the thresholds had been met to instigate a Complex Abuse Investigation (CAI). The definition of a CAI is: Complex (organised or multiple) abuse is abuse involving one or more abusers and

number of children (who may be related or non-related). The abusers concerned may be acting in concert to abuse a child or children, or may be acting in isolation. One or more of the adults involved may be using an institutional framework or position of authority to recruit children for abuse.

7. The purpose of this report is to outline the legal framework that sets out the roles and responsibilities of the Local Authority in relation to independent provisions, detail the approach undertaken to carry out the investigation and approve the allocation of additional funding necessary to fully meet our statutory responsibilities.

EXEMPT REPORT

8. N/A

RECOMMENDATIONS

9. It is recommended that Cabinet:
 - Note the information in the report.
 - Approve the allocation of £3m funding for the specialist safeguarding investigation from uncommitted general reserves

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

10. Ensuring safety for all children, young people and vulnerable adults in Doncaster is paramount, including those that are placed in Doncaster by their home authorities.
11. The connectivity of Doncaster safeguarding partners to ensure need, harm and risk is promptly and timely identified remains critical.

In line with the statutory guidance and relevant legislation, our aim is to continue to prioritise the safeguarding and welfare of vulnerable children and young people, maintain a clear focus on the delivery of children's services and support continued effective operations.

12. The investigation operates on the following principles when making decisions:
 - **Child-centred and person centred** - promoting their best interests: nothing is more important than the residents welfare; those who need help and protection deserve high-quality and effective support as soon as a need for help is identified
 - **Risk-based** - prioritising support and resources for children, young people and vulnerable adults at greatest risk
 - **Family-focused** - harnessing the strengths in families and their communities as part of the victim strategy and the coordination activity with all Home Authorities involved who have trusted relationships with their individual children, young people and adults they are responsible for
 - **Evidence-informed** - ensuring decisions are proportionate and justified
 - **Collaborative** - working in partnership with the Home Authorities, parents and other professionals and maintaining a focus on justice for all involved
 - **Transparent** - providing clarity and maintaining professional curiosity
 - Ensuring the **visibility of the voice of the child**, young person or vulnerable adult (even those that are non-verbal) through social work assessment and analysis and expert opinion.

BACKGROUND

Legal Framework

13. The investigation will be completed in line with all statutory responsibilities of public services and senior management and leadership.
14. Doncaster is the 'home authority' for the CAI into the safeguarding matters. This is because although the two provisions in question are privately run and they are both based in Doncaster and within the statutory framework, the home authority is responsible for the management, resourcing and financing of the investigation on behalf of other local authorities.
15. The Child Safeguard Practice Review Panel has been informed.

The Approach:

16. The investigation have been undertaken in 2 phases: phase 1 commencing in February 2021 to May 2021 where the focus was on ensuring the immediate safeguarding of residents in placement at the time of the Whistleblowing referral being made to Ofsted, the suspension of registrations that followed and the coordination of home authorities in finding suitable onward placements.
17. The next phase commenced in May 2021 consisting out of the building of evidence that takes a comprehensive, analytical approach which is capable of meeting both Police/CPS requirements in respect of pursuit of justice and as a core document for child and family feedback/personal records. The evidence is compiled by a social work team, assisted by multi-agency input and scrutiny, which is then passed to the police investigation team to consider criminal thresholds.
18. An 'End of Investigation' report will conclude the Complex Abuse Investigation.
19. The approach follows the best practice advice from Operation Hydrant and local safeguarding procedures. Local assurance processes involving specialist oversight and challenge are robust and are particularly relevant given the nature of the communications issues presented by many of the subjects, which should enable any future interviewing to be highly targeted and planned in a child/adult-specific way. The proposal for the phase of the investigation that includes victim interviews are robust and child-centered. The structure of the approach supports cross-referencing adults and settings to ensure patterns of maltreatment are spotted, as well as ensuring a thorough investigation for each subject.
20. This approach is seen as a strength by the externally appointed scrutineer to the investigation ensuring that the information-gathering phase is adequate, and satisfy the subjects' need to know that everything that should have been done to investigate their circumstances was done.

Governance:

21. To assure cabinet that this matter is being dealt with appropriately and purposefully, in accordance with Doncaster Safeguarding Partnership's published procedures, it formed a Strategic Management Group (SMG) which agreed the scope of the investigation to

include the period of January 2018 to October 2021. SMG consists of senior representatives of the safeguarding accountable bodies, i.e. the Local Authority (Adults and Children); the Clinical Commissioning Group and South Yorkshire Police.

22. An Investigation management team (IMG) was also established in line with the College of Policing guidance of managing a complex abuse investigation.
23. In order to ensure that the investigation is being taken forward as correctly, positively and accurately as possible, the Strategic Management Group (SMG) decided to employ an external subject matter expert to provide strong strategic check and challenge. A quality assurance visit took place on the 26th of August 2021, supported by a note of visit that expressed confidence in the approach. The expert attends SMG meetings and provide challenge and support to the SMG chair.
24. The CAI is working within the parameters of all relevant best practice, legislation and professional guidance.

Resources:

25. As detailed above, it is the Council's statutory responsibility as the home authority to fully investigate the concerns raised. The investigation team consists of social workers, police officers and various health colleagues. This report covers the resourcing implications for the Council, with relevant partners being responsible for their respective contributions.
26. For the Council, an investigation of the scale necessary, taking the robust approach outlined, cannot be undertaken within current staffing, as business as usual and therefore requires additional dedicated resources, funded from the allocation of one-off monies. It will also take considerable time to undertake the thorough investigation, involving contacting all the service users that have been identified and constructing the essential evidence, taking a comprehensive, detailed and analytical approach. There is also a need to ensure appropriate timely responses and communication throughout the sensitive investigation.
27. Based on current information and experience to date, it is estimated that additional funding of up to £3m is required, covering the period until December 2023. This estimate is based on the current monthly cost of £110k, which funds a specialist experienced dedicated team including 8 social workers, team manager, lead senior manager, head of service and administrative/business support, with an allocation for contingency to retain flexibility in delivering this critical in-depth investigation. The £3m is intended to be the maximum funding allocation, which will be carefully managed by the Director of Children's Services in consultation with the portfolio holder for Children's Social Care, Communities and Equalities and Section 151 officer, ensuring value for money in the use of the resources to conclude the investigation. Any unspent resources will be returned to general uncommitted reserves at the conclusion of the CAI.
28. The Council has prepared for unforeseen events and currently holds uncommitted reserves of £16.5m. Given the exceptional nature it is proposed to utilise this source to fund the estimated expenditure of £3m. This would leave a balance remaining of £13.5m.
29. The Section 151 officer considers this level of uncommitted reserves to be adequate to meet known commitments and contingencies based on current information.

OPTIONS CONSIDERED

30. The scale and scope of the investigation demands dedicated resourcing, therefore the only option available is to provide additional resources to fund the estimated cost to conclude the investigation and meet our statutory requirements.

REASONS FOR RECOMMENDED OPTION

31. To comply with the statutory requirements placed on the Local Authority and Director of Children Services.

32. To conduct a full partnership investigation and to ensure justice for the residents of these provisions and to consider learning in the wider system.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

33.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	N/A
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	N/A
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p>	Children were potentially hindered in accessing the learning that they are entitled to due to allegations surrounding the residential provisions linked to specialist

	<ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	learning provisions.
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	A cohort of children and young adults residing at the provisions have potentially suffered significant harm which will have hindered them in reaching their full potential.
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	N/A

RISKS AND ASSUMPTIONS

- 34.** Organisations have a legal duty to investigate matters of conduct when safeguarding concerns are raised and children, young people and vulnerable adults are deemed to be at risk of harm, abuse and neglect. The investigation may reveal shortcomings in local practice. This risk will be managed through the appropriate action taken via a disciplinary investigation route and mitigated by the appropriate learning and commissioning action taken by the Doncaster Council and its partners.
- 35.** The scope continues to be under pressure due to its potential expanding nature over time. This risk is managed and mitigated by the continued testing of the scope through the Terms of Reference of the SMG and the external scrutiny of the process and

robustness of the investigation.

36. The investigation has multiple stakeholders involved at local and national level, including children and their families.
37. The risk of effective engagement and communications with all stakeholders are mitigated by the robust coordination of all information, activity and key messages from the investigation as part of the Extended Investigation Management Group.

LEGAL IMPLICATIONS [Officer Initials NC Date 28/10/21]

38. Local Authorities, working with partner organisations, have a number of statutory duties to safeguard and promote the welfare of all children in their area. Specific duties are set out in the Children Act 1989 and Children Act 2004. Section 17 of the 1989 Act places a duty on the local authority to provide services to children in need in their area, regardless of where they are found. Section 47 of the 1989 Act places a duty on local authorities to undertake enquiries if they believe a child has suffered or is likely to suffer significant harm. Many of the duties on local authorities can only be discharged with the full cooperation of partner organisations, many of which have individual duties when carrying out their functions under section 11 of the Children Act 2004. Section 10 of the 2004 Act places a duty on the local authority to make arrangements to promote cooperation between itself and partner agencies to improve the wellbeing of local children. The 2004 Act places duties on the local authority and key organisations such as the Police and Clinical Commissioning Group to work together with other local partners to safeguard and promote the welfare of all children in their area.
39. Under section 16C of the Children Act 2004, local authorities have a duty to notify the Child Safeguard Practice Review Panel (“the Panel”) where it knows or suspects that a child has been abused or neglected and the child is seriously harmed in its area. The Authority and safeguarding partners are then required to undertake a rapid review of the case in line with guidance from the Panel and send a copy of the review to the Panel and whether they believe a national review may be appropriate. Taking into account relevant information and guidance, the Panel must then decide whether to undertake a national review. If they believe a national review is appropriate then they will notify the Secretary of State and work with the local authority and safeguarding partners to discuss the scope and methodology of the review. Following a review the Panel will produce a final report that should include a summary of any improvements being recommended to the safeguarding partners and/or others to safeguard and promote the welfare of children; and an analysis of any systemic or underlying reasons why actions were taken or not taken in respect of matters covered by the report.
40. Similar duties to safeguard adults are placed on the Local Authority under the Care Act 2014. Section 42 of the 2014 Act places a duty on the local authority to make, or cause to be made, enquiries and decide whether action should be taken to safeguard an adult. The duty applies where the authority has reasonable cause to suspect that that an adult in its area (whether or not ordinarily resident there) has needs for care and support (whether or not the authority is meeting those needs); is experiencing, or is at risk of abuse or neglect; and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
41. The work undertaken to date and the work planned as set out in this report will assist in

the Local Authority meeting the duties placed on it as detailed above.

FINANCIAL IMPLICATIONS [Officer Initials...FT..... Date...04/11/21.....]

42. The report details the estimated costs to the council as the home authority of up to £3m to carry out the specialist safeguarding investigation. The funding will be allocated from the balance of uncommitted reserves of £16.5m, leaving £13.5m for future unforeseen events. The Section 151 is required to provide assurance that the balance of uncommitted reserves is adequate to meet known commitments and contingencies based on current information. This has been confirmed by the Section 151 officer.
43. The £3m funding will be held in a specific reserve for the investigation, to be drawn down as required by the Director of Children's Services, in consultation with the portfolio holder for Children's Social Care, Communities and Equalities and the Section 151 officer, for the purposes intended. Regular monitoring and reporting will also be undertaken on the use of the funding.

HUMAN RESOURCES IMPLICATIONS [Officer Initials JC Date 04/11/21]

44. There are no direct HR implications in connection with this report.

TECHNOLOGY IMPLICATIONS [Officer Initials...PW..... Date...04/11/21]

45. There are no technology implications in relation to this report.

HEALTH IMPLICATIONS [Officer Initials: RL Date: 4th November 2021]

46. Where it is within the remit of the CAI process, the broader impact on health including access and continuity of health care for the children, young people and young adults in the immediate response period should be considered for the purpose of learning. Support for the mental health of staff who are undertaking and contributing to the CAI process should be considered through the usual line management, supervision and HR processes. Availability and access to support should be communicated to staff.

EQUALITY IMPLICATIONS [Officer Initials RN Date 10/11/21]

47. The cohort of children/young people and adults that are protected through the action that DMBC and partners have taken has protected characteristics. By taken immediate action and through the approach set out the Council complies with its Public Equality Duty.

CONSULTATION

48. Internal corporate colleagues have been consulted and has made a significant contribution in writing this report. The report was written in consultation with other members of SMG. It is in the best interest of the investigation to continue to work in close partnership with SYP and the CCG.

BACKGROUND PAPERS

49. None

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

CAI - Complex Abuse Investigation
SMG - Strategic Management Group
IMG - Investigation Management Team
CCG - Clinical Commissioning Group
SYP - South Yorkshire Police

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