

## Learning from Serious Case Reviews

### West Berkshire SCR: Learning for services arising from sexual offences by individuals connected to a secondary school

#### Background

This West Berkshire Serious Case Review (SCR) was initiated following the conviction and sentencing of two individuals for sexual offences against children in March/April 2016. Both had connections with a school - one as a teacher and the other as a youth counsellor, who was also the local vicar.

The initial focus had been a single agency review of the safer working practices within the school and the safeguarding culture as a whole. However, it became apparent through an initial review of information held by partner agencies that:

- There were a number of additional individuals in “positions of trust” connected to the school against whom there had been criminal / disciplinary proceedings and investigations within the local area
- These individuals were also connected and employed by other schools / organisations
- A review of the responses to allegations / investigations from statutory organisations was likely to provide additional learning.

The matter was referred to the Local Safeguarding Board and it was decided that the criteria had been met for a Serious Case Review, with two clear primary areas of focus:

⇒ **How to create safe working cultures within organisations.**

⇒ **How to ensure statutory agencies and their arrangements for responding to allegations about adults who are in positions of trust are effective in protecting children from abuse.**

#### Key Learning

##### Safe cultures in all organisations

- ⇒ **Escalation and challenge:** There is evidence from most of the agencies in this SCR that issues around either individuals or processes were not always escalated either within organisations or between organisations. Safe cultures rely on transparent, clear procedures and active encouragement by senior managers for practitioners to raise and escalate their concerns, both within their organisations and between organisations. The potential impact of powerful leaders on cultures should be negated by all of these transparent processes.
- ⇒ **Safe recruitment practices:** This is a fundamental expectation that recruitment processes are robust irrespective of the nature of the role and the status i.e. temporary or in the private or voluntary sector. All organisations need to give this high priority and adopt best practice.
- ⇒ **Safeguarding training:** This was evidenced by a number of agencies as lacking in terms of frequency, not always including the right roles and insufficient monitoring of engagement. It was not routinely undertaken by some roles particularly within schools i.e. school governors.
- ⇒ **Dealing with low level concerns around staff behaviour:** There was evidence in this SCR of numerous occasions when low level concerns about individuals were not recorded or acted upon, discussed or escalated. This frequently resulted in the full understanding of concerns/previous behaviours not being available to strategy discussions and not informing the assessment of risk.
- ⇒ **Impact of perceived seniority or status of the role on safe cultures:** This issue was apparent within a number of agencies where the role of the individual in organisations felt to be “pillars of the community” meant that there was a reluctance to raise concerns or a feeling that if that was done, it would not be heard or responded to.

**CEOP 2013 Thematic Assessment:** *“‘Positional grooming’ revolves around the inherent trust elicited by institutional settings. There is a degree of transference between the level of respect attributed to an organisation and to those representing it. By virtue of holding a position within a respected institution, an offender carries some of that respect – and the trust subsumed in it - vicariously. The myth that a ‘pillar of the community’ cannot be an abuser needs to be tackled”*

## Local Authority Designated Officer (LADO) & Allegations

- ⇒ **Recording:** There is a need to ensure there is sufficient capacity to undertake clear recording of concerns and challenges made by partner agencies during strategy discussions.
- ⇒ **Follow up and oversight:** There is a need to be clear that the current arrangements allow LADOs sufficient capacity to pro-actively follow up the outcomes of individual agencies' discussions to ensure that they have been undertaken with rigour and to the appropriate standard, and to escalate if that isn't achieved.
- ⇒ **Escalation:** As with all organisations, LADOs needs to be empowered and supported in raising challenges and escalation with organisations, in particular where employers fail to follow the advice of the LADO. This needs to be reviewed and endorsed in procedures.
- ⇒ **Interface between LADO and individual organisations HR processes co-ordination function:** This needs to be recognised and given sufficient capacity to ensure that individual agencies' internal disciplinary procedures are aligned and robust.
- ⇒ **Quality of disciplinary investigation processes:** What should be the Quality Assurance process to ensure that an individual organisation's disciplinary investigation is of a the required standard and robust? This should be included in the S.11 self-assessment as a specific question.
- ⇒ **Disciplinary hearings:** All agencies should adopt as policy that disciplinary dismissal hearings relating to safeguarding should always continue to their conclusion even if the member of staff resigns before a decision has been reached.

## Academies

- ⇒ Learning was identified at both a local and national level about the way **governance arrangements** for safeguarding are not clear or aligned. The Local Authority no longer has the support function with Academies unless services are bought from the Local Authority as one of a range of possible provides. These services include school improvement and safeguarding expertise. The Local Authority however does retain its overall responsibility for the safeguarding of all children in the area through its DCS and Lead Member role as set out in the Children Act 2004.
- ⇒ The SCR process has highlighted the opportunity to consider **the role of the Education Funding Agency and the Regional Schools Commissioner (RSC)** in relation to safeguarding children in Academies. It is unclear how these bodies can be aware of concerns within Academies ie criminal prosecutions and dismissals of staff and undertake the detailed scrutiny required of individual Academies safeguarding arrangements. In the light of the learning from this SCR, there needs to be a recommendation to DfE and the Education Funding Agency and Regional Schools Commissioners proposing a national review of the appropriateness and effectiveness of current safeguarding requirements in relation to the overarching governance and accountability for Academies.

## The Role of Governors in safeguarding

- ⇒ Governors are a key element of safeguarding governance in schools and are there to hold the Head, Designated Safeguarding Leads and staff to account. Assurance of the **quality of training and access to external expertise** and how is this monitored is required. In addition, the lead governor responsibility for safeguarding needs to be considered in terms of the level of accountability and the level of experience and expertise required. The Governor with lead responsibility for safeguarding requires an enhanced level of safeguarding training. There should be consideration that Governors complete their own S.11 or undertake an external audit process.

## Roles with overlapping responsibilities (school / church / youth work)

- ⇒ There was insufficient clarity about the responsibility for and oversight of individuals who were effectively undertaking a number of different roles in the community - some of which were operating from the same location. There needs to be **clear contractual arrangements** in place for all those employed or working in a voluntary capacity with children and young people and the same safe recruitment practices adopted.

## Professional curiosity by all organisations

- ⇒ In addition to the need for staff to be encouraged and empowered to escalate their concerns, staff, volunteers and practitioners need to be encouraged to continually demonstrate **professional curiosity** in every situation to ensure that they ask and pursue questions, voice their concerns and to “think the unthinkable”

## Challenge to professional myths about allegations against adults

- ⇒ This is particularly seen in the education system and there were a number of examples in the evidence provided to this review that children are perceived to make malicious allegations against staff and were discredited and judgements made about their credibility. **All staff should be encouraged to ensure that they look deeper into the underlying reasons for a child’s behaviours.**

## Current restrictions in Sexual Offences legislation

- ⇒ The Sexual Offences Act 2003 does not include Youth Workers employed by anyone other than the Local Authority as meeting the criteria for a “Position of Trust”. This means that the clergy or non- statutory voluntary workers are not included as being in “a position of trust” under section 16 of the Sexual Offences Act 2003. This SCR has learnt that this restriction has allowed an individual to not be prosecuted when he had clearly abused his position of trust.

***Positions of trust are defined within Section 21 and 22 e.g. looking after persons in educational establishments, residential settings, or where duties involve regular unsupervised contact of children in the community.***

## Churches and faith settings

The review made some recommendations for the relevant Diocese and Parish that focused on:

- ⇒ Effective recording of safeguarding concerns
- ⇒ Effective implementation of safeguarding policies / procedures
- ⇒ Ensuring employment contracts for church staff involved in direct work with children are strengthened to reinforce church policy around safeguarding
- ⇒ Explore how the ministerial annual review process could be strengthened with respect to good safeguarding practice and behaviours.

The author also recommended that there needed to be **further engagement and proactive inclusion** of the wider faith sector in the work of the LSCB to raise awareness and understanding of the expectations of safe cultures including proportionate section 11 processes.

## Accessing the Serious Case Review

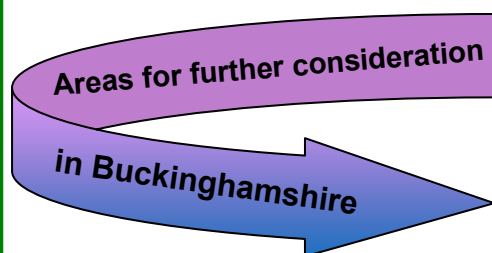


**A range of recommendations were made by the author of the serious case review in response to the identified learning. These recommendations can be read in their entirety, along side the full serious case review at:**

[www.westberkslscb.org.uk/wp-content/uploads/2017/02/WEST.BERKS-SCR-V.4-.pdf](http://www.westberkslscb.org.uk/wp-content/uploads/2017/02/WEST.BERKS-SCR-V.4-.pdf)

## What about Buckinghamshire?

Whilst the recommendations made in response to the learning are specific to West Berkshire, they do raise a number of questions that the Buckinghamshire Safeguarding Children Board (BSCB) and partner agencies can consider at a local level.



The BSCB Employment Sub Group discussed this review at their meeting in March 2017. The Sub Group agreed that this learning summary should be produced and shared across BSCB partner agencies.

**The Sub Group would encourage all partners to consider the key learning points in relation to their own agency, and where necessary take any action to strengthen practice.**

Over the last 12-18 months the Sub Group has undertaken a significant amount of activity to support safer recruitment and working practice within Buckinghamshire, including as a response to the [Lampard Enquiry](#) into matters relating to Jimmy Savile. To a large extent the findings in this review re-emphasise many the messages we have been embedding within Buckinghamshire. As a result of our continued work in this area, we already have a number of processes in place to ensure the BSCB has ongoing assurance around safer recruitment and working practices, e.g.:

- ⇒ Information is collected as part of our routine section 11 audit with statutory partners
- ⇒ This agenda forms the core business of our Safer Employment Sub Group, including identifying good practice, ensuring that there are robust multi-agency procedures and guidance in place and highlighting areas of risk or concern
- ⇒ We heard about practice across a number of agencies at our Safer Employment [Challenge Event](#) in July 2016. This provided evidence of good practice in a number of agencies.

However, this is not an area where we can be complacent, and beyond sharing the learning from this review across partners, the Sub Group identified the following actions to be taken forward locally:

1. The report highlighted a number of learning points in relation to LADO processes. The learning from this review has been shared with the LADO service so that they can consider any relevant areas for action.
2. The report identified the key role that governors play in relation to safeguarding in schools and raised questions about the level of training and support available to governors to allow them to effectively fulfil this role. In response to this, Governor Services will be invited to present a report to the Employment Sub Group around practice in Buckinghamshire.
3. The report highlighted the need to engage faith settings in LSCB work around safer employment practice. The BSCB has worked with the Buckinghamshire Safeguarding Adults Board to create a short self - assessment tool, based on the Section 11 framework that can be used by non-statutory partners, including commissioned agencies, to review safeguarding practice. The Employment Sub Group will consider how this tool can be more widely publicised, including to faith settings.
4. The Safer Employment Sub Group will be updating local procedures around managing allegations over the next few months and will ensure relevant learning from this SCR is reflected in the update.

## Further Information

- ⇒ **Safer Recruitment and Employment:** The BSCB has produced a range of resources around safer recruitment and employment including a Safer Recruitment Toolkit and information on managing allegations against staff and volunteers: [www.bucks-lscb.org.uk/professionals/safer-employment/](http://www.bucks-lscb.org.uk/professionals/safer-employment/) (n.b revised and updated content will be available from the end of May 2017).
- ⇒ **Learning from Lampard:** The BSCB has produced a briefing report to share the key learning from the Lampard Enquiry into matters relating to Jimmy Savile. This includes a self-assessment tool that agencies can use to consider their own practice: [www.bucks-lscb.org.uk/about-the-bscb/audits-other-learning/](http://www.bucks-lscb.org.uk/about-the-bscb/audits-other-learning/)
- ⇒ **Self-Assessment Tool for Non-Statutory partners:** This is based on the section 11 framework and allows non-statutory agencies to assess their safeguarding practice and identify areas for improvement: [www.bucks-lscb.org.uk/about-the-bscb/safeguarding-self-assessment-section-11-audit/](http://www.bucks-lscb.org.uk/about-the-bscb/safeguarding-self-assessment-section-11-audit/)
- ⇒ **Sharing Practice:** The BSCB ran a multi-agency challenge event in 2016 focused on the key elements in the Lampard Enquiry. It was an opportunity for agencies to share good practice and identify areas for improvement: [www.bucks-lscb.org.uk/about-the-bscb/audits-other-learning/](http://www.bucks-lscb.org.uk/about-the-bscb/audits-other-learning/)