

Strategic Management Group (Operation Equinox) Quarterly Progress Update (January 2016)

1. Purpose

The purpose of this report is to provide an update into the ongoing investigations into allegations of historical abuse in children's residential homes.

2. Context

2.1 In 2010, 5 individuals lodged civil claims in respect of allegations of abuse at Beechwood, a former approved school, observation and assessment centre, remand home, and latterly a community home before its closure in 2006. The allegations were subject to a joint investigation by the City Council and Nottinghamshire Police, with the City Council commissioning an independent investigation by the NSPCC. In 2011 an individual made further allegations to the police, at which stage Nottinghamshire Police launched Operation Daybreak, to investigate all allegations in respect of Beechwood and related matters. A second police operation, Xeres, was launched in December 2014 to investigate allegations in respect of Skegby Hall, a former approved school and community home with education until its closure in the early 1990's, and related matters. A number of other former Nottinghamshire children's homes along with named establishments in other Local Authorities outside of Nottingham City and Nottinghamshire have been named along with a former school and juvenile detention centre.

2.2 Beechwood was within the jurisdiction of Nottingham City Council pre 1974 and again post Local Government reorganisation in 1998. Skegby Hall has always been with Nottinghamshire County Council.

3. Current Position

3.1 Nottinghamshire Police have established Operation Equinox as an overarching name for the individual operations of Daybreak and Xeres. It also includes two other operations, Lyric and Bulbed, established in 2015 to investigate allegations made by two particular individuals that fell outside of the remit of the existing operations. The creation of Equinox allows resources to be utilised responsively to the needs of each operation. Nottinghamshire County Council have established a dedicated social work team to investigate all allegations of historical abuse including the operations described in this report. This team is co-located with the police. Nottingham City Council has an identified a named Duty-Team Manager as a Single Point of Contact (SPOC) and continues to review the resources needed to respond to required demand.

3.2 Operation Daybreak, as of November 2015, involves 167 individuals making allegations of emotional, physical and sexual abuse over a period of 59 years between 1947 and 2006. To date two people have been charged with a number of serious sexual offences in the 1980's, one of which is the victims stepfather whose trial started at the end of November, the other an ex member of staff due in court in March 2016. A number of advice files are currently with the Crown Prosecution Service and it is expected that there will be other people charged. A number of people remain subject to investigation. There have been 107 civil claims made with the majority relating to

times between 1974 and 1998 and therefore the financial liability lying with the County Council. 46 claims have so far been settled at the request of insurers. The civil proceedings in respect of the disputed claims are currently subject to a stay in light of the ongoing criminal investigations and are due back in court in February 2016.

- 3.4** Operation Xeres concerns allegations of abuse between 1950 and the closure of Skegby Hall in the early 1990's. To date the investigation concerns 96 individuals making allegations with two people having been charged with offences relating to sexual and physical abuse. As of November 2015, 3 people have made civil claims relating to allegations of abuse related to this operation.

4. Management

- 4.1** The Strategic Management Group continues to meet monthly. The Terms of Reference have been revised to reflect the establishment of Operation Equinox and changes in membership. A multi agency Implementation Group has also been established in accordance to the LSCB multi-agency procedures for organised and complex investigations. A Gold Command group continues to manage the police investigations providing reports to the SMG.
- 4.2** The SMG has established a Learning Log, in accordance with LSCB procedures for complex investigations, that is updated at each meeting. Learning to date has been identified through reports and discussion at the SMG as well as the three independent reviews of the criminal investigations.

5. Review

- 5.1** A chronology relating to the provision of residential care from the 1940's to the present has been completed with the Executive summary of the national context being made public (attached as Appendix A). This chronology is being utilised to inform the current investigations relating to allegations to the police and civil claims. Work is currently ongoing to provide similar information in respect of Health and the Police and will be integrated to form a combined chronology when complete.
- 5.2** Terms of Reference have been written and agreed for a Serious Case Review to be commissioned by Nottingham City and Nottinghamshire Safeguarding Children Boards. Legal advice is that the review should not start before the completion of the criminal investigations due to their complexity and therefore the timing will be subject to ongoing review by the SMG and in discussion with the two Independent Chairs.
- 5.3** On Friday 27th November, the Independent Inquiry into Child Sexual Abuse (IICSA and also known as the Goddard Inquiry) announced that Nottingham City and Nottinghamshire Councils are to be one of 12 case studies. More information on the IICSA can be found here <https://www.iicsa.org.uk/news/independent-inquiry-into-child-sexual-abuse-announces-first-investigations>. At the time of writing this report the Councils are awaiting further details as to the implications of this inquiry. It is recognised that the IICSA is focussed on sexual abuse and therefore, the local Serious Case Review (referenced in 5.2) may be still required as its scope is to consider broader allegations of historical abuse, including emotional and physical.

Executive Summary: Historical Abuse – National Picture

1. Introduction

This paper provides an Executive Summary of parts of the chronology/narrative that Nottingham City and Nottinghamshire County Councils have established in respect of the provision of residential care for children from 1950 until now. It deals with the legislative and regulatory requirements and the demography of care at a national level. It does not deal with information relating specifically to Nottingham City or Nottinghamshire County councils.

2. Context

2.1 Nottinghamshire Police launched Operation Daybreak in 2011 to investigate allegations in respect of Beechwood, a former Remand Home, Observation and Assessment Centre and Children's Home prior to its closure in 2006. A second operation, Xeres, was launched in 2015 to investigate allegations relating to Skegby Hall, a former Approved School and Community Home with Education prior to its closure in 1993. The allegations date from 1950 to 2000 and relate to emotional, physical and sexual abuse.

2.2 Following a call from the local Police and Crime Commissioner for an independent review it was agreed that a preliminary phase should be conducted that would establish a chronology/narrative of the provision of residential care from the first allegation to the current time. This deals with, and provides documents in respect of:

- I. Legislation relating to provision of residential care, record retention and employment/HR issues.
- II. National guidance and regulation relating to the provision of residential care and child protection.
- III. Local decision making and implementation of I) and II).
- IV. The demography of residential care and the residential estate.
- V. External and internal inspection and scrutiny.

This paper provides an Executive Summary of these issues relating to the national picture and does not deal with issues relating to local policy and practice.

3. The Legislative Framework

3.1 The legislative framework sets the tone for the changing purpose of residential care and, in some respects, society's attitude towards children and their care. The Children and Young People Act 1933 and the Children Act 1948 provided for children whose parents did not have the resources to care for them. The 1969 Children and Young People Act saw a change to children who were "beyond the control" of their parents with them placed in care by courts and educationalists for offending and non school attendance. The Children Act 1989 and 2004 shifted the focus to "promoting the welfare" and safeguarding children and the place of residential care in meeting this purpose.

3.2 The 1933 Act required local authorities to provide Remand Homes with the Home Office setting out the rules and having oversight of Remand Homes and Approved Schools, the latter having developed from Industrial or Reformatory schools, including the approval of appointments of persons in charge. It's clear that Remand Homes and Approved Schools were not within the remit of the regulations applying to Children's Homes. The 1969 Children

and Young People Act abolished the former Approved Schools system and created a single management regime of Community Homes. Responsibility was devolved from the Home Office to Local Social Service Authorities. The Act required a Children's Regional Planning Committee to prepare regional plans for the provision and maintenance of children's homes. The responsibility for staff employed in these homes transferred to local authorities in 1971.

- 3.3 Other relevant legislation includes the 1972 Education Act, which raised the school leaving age to 16 years, and the 1974 Rehabilitation of Offenders Act although it was not until 1995 that an exception was introduced requiring those working with vulnerable people (including those under 18 years) to reveal spent convictions.

1. Regulatory Requirements

The 1951 Administration of Children's Homes and the 1949 Approved Schools rules required monthly reporting to a Board of managers with a team of inspectors monitored by the Home Office. Following the 1969 Children and Young People Act and the abolition of Approved Schools, the 1972 Regulations set out the regime for managing all children's homes, including secure accommodation, and remained in place until the 1991 Children's Homes Regulations were published. It was at this point that the use of corporal punishment was abolished and acceptable sanctions were set out. Amendments in 1997 introduced the requirement to obtain information about criminal convictions before employing anyone to work in a children's home. New Children's Homes regulations were published in 2001 with amendments in 2011 to include sections on behaviour management, discipline and restraint. The minimum standards outlined replaced those set out in 1991. These regulations are due to be replaced in 2015, and have just been published.

Also of relevance is the development of statutory guidance related to child protection with the first real processes being developed during the 1970's following the death of Maria Colwell, and aimed at investigating concern about physical abuse and neglect in family homes and protecting children from family members. The statutory guidance 'Working Together to Protect Children' was published in 1988 and set out agency responsibilities and how they should work together when there was concern that a child had been abused or was at risk. Sexual Abuse was included for the first time with an acknowledgement that "responding to sexual abuse is a new area of work for many staff...". The required procedures applied to children at risk of abuse within their own families and did not apply to allegations against staff. Such concern remained the responsibility of the police to investigate whether an offence had been committed and was influenced by the requirement of burden of proof and concerns about the credibility of children as witnesses. The 1989 Children Act and the 2001 Residential Care Regulations required that all children had the right to be protected from abuse including those in care. Revisions to Working Together in 2001 emphasised the need for children in care to be afforded the same protection as children living at home, and included guidance for staff when children raise a concern or make a complaint in respect of a member of staff. The 2006 Working Together guidance placed explicit emphasis on the role of the Local Authority Designated Officer (LADO) in providing advice and guidance for investigations in relation to complaints against staff.

5. Recording and Record Retention

1951 The Administration of Children's Homes regulations Schedule 3 required that records should be kept in each home in respect of admissions and discharges, fire safety, punishment, food, and important events, as well as medical records for each child. The purpose was to enable staff to know key events and for monthly visitors to form an impression of life in the home.

Requirements remained much the same until the 1991 Children Homes Regulations with 2 and 3 setting out the requirements for LA's to keep specified records including a daily log detailing staff on duty, visitors, significant events and records on individual children etc that had to be signed and dated.

Regulations 15 and 17 required records on individual children to be kept until their 75th birthday and for all other records in respect of them for 15 years. Prior to this records on individual children were only kept until their 18th birthday or 3 years after the last period in short term care (normally regarded as a period of 6 months or less). The ADSS Briefing Paper, "The Archiving and Destruction of Records of Children in Care/Looked After" August 2000 provides a useful description of requirements and practice.

A statement by the ADCS in 2006 recognised that significant records of children's lives prior to 2000 were missing as a consequence of the legislative framework and previous practice.

6. Care Provision

6.1 The nature of residential care has changed from large institutions intended for providing containment, sometimes punishment, and education through to community homes, and to the current provision of small group homes for those children unable to live in a family environment. Many homes were originally provided by charities and voluntary organisations, often run by married couples who lived on the premises, and Approved Schools by teachers. There were no requirements for "care" staff to be qualified until the 1990s with further requirements from 2002, and the establishment of regional Commissions for Care Standards, that each home to have a Registered Manager. Ofsted, who took over the responsibility for the inspection and registration of children's homes in 2010, have to approve the appointment of each manager.

The last 60 years has seen a shift in thinking from removing children from parents who either did not have the resources or ability to provide 'control' towards the view that children should remain in their families unless it is unsafe for them to do so, and a shift in provision from large institutions to alternative family care or small group homes for those children unable to live in a family environment. The openness and scrutiny of homes has also changed significantly. While up to the 1970's the Home Office maintained a team of inspectors who visited Approved Schools and Remand Homes, there was little regulated requirements until 1991 when Regulation 22 required that a Local Authority maintained community home be visited once a month to "ensure that the day to day conduct of the home is seen by someone not involved in its operation". (It should be noted that small private children's homes were not included in the 1991 regulations and maintained residential schools were not visited). Known as 'Regulation 22 inspections', this requirement has continued through the changes in regulations having changed to Regulation 33 and currently Regulation 44. In addition to these regulatory visits Ofsted now inspects all homes. The 1990's onwards also saw the development of advocacy services, independent visitor schemes for individual children and complaints procedures accessible to children.

These changes have been informed by legislation, statutory guidance and regulatory requirements that have been influenced by research and review as well as changes in societies attitudes towards children. Of particular note are:

- I. 'Quality Protects' 1988 which placed an emphasis on the need to involve children in plans about themselves and the provision of care.
- II. "Pindown" the 1991 report into the use of control and discipline in Staffordshire children's homes.

- III. William Utting's Report "Children in Public Care" 1991.
- IV. 1992 inquiry in Leicestershire, following the 1991 conviction of Frank Beck, a former children's home manager for offences against children in care between 1968 and 1973. Following this the 'Warner Report' dealt with the recruitment, selection and management of staff in children's homes.
- V. The White Paper 'Modernising Social Services' 1998 identified "failings to protect children in residential care", citing a number of reasons including gaps in the regulatory requirements.
- VI. The Waterhouse report "Lost in Care" 2000 concerning allegations of abuse in homes in North Wales and which led to the creation of the Children's Commissioner.

This document provides the headlines from a timeline and chronologies established in respect of:

- Legislation and Regulations
- Records and Retention
- Inspection and Reviews

Where available electronic links have been provided to the relevant legislation.