



House of Commons
Communities and Local
Government Committee

Child sexual exploitation in Rotherham: some issues for local government

Third Report of Session 2014–15

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to the Report*

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The Communities and Local Government Committee

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Summary

Professor Alexis Jay's Independent Inquiry into Child Sexual Exploitation in Rotherham 1997-2013 published on 26 August 2014 provided a damning indictment of the failure of one local authority, Rotherham, to protect children from organised sexual exploitation. But more alarmingly the Report points to widespread organised child sexual exploitation across England.

We welcome the reviews set up by the Government—the Independent Panel Inquiry into Child Sexual Abuse and the Independent inspection of the compliance of Rotherham Council.

Our report is a preliminary examination raising questions about local government accountability and governance. We see a need for arrangements to bring to account officers still in post or who have moved on from an authority when serious questions about their past performance emerge. These arrangements have to balance accountability and fairness. In the case of Rotherham we call for an investigation into the reasons that key documents covering 1999 to 2003 and of prime importance to establish what went wrong within the authority are missing.

We also highlight the failure of scrutiny and challenge within the system of governance at Rotherham. Louise Casey is conducting the compliance inspection which includes an examination of governance and she should report by 30 November. We plan to invite Ms Casey to give evidence after she has reported. Worryingly, concerns about the effectiveness of local government scrutiny also feature in the recent Best Value Report into governance and financial management at Tower Hamlets. In this report we have flagged up local government scrutiny as an issue for our successor committee in the next parliament.

We also plan to call Ofsted to face questioning that, at least in part, it failed the children of Rotherham.

Finally, we would expect our successor committee in the next parliament would want to review the findings and conclusions of the Independent Panel Inquiry into Child Sexual Abuse as they relate to local government. It should also consider the provision of resources to identify, tackle and put right some of the damage caused by organised, child sexual exploitation.

1 Introduction

1. The publication of the Independent Inquiry into Child Sexual Exploitation in Rotherham: 1997-2013 by Professor Alexis Jay OBE (the “Jay Report”)¹ on 26 August 2014 provided a damning indictment of the failure of one local authority to protect children from organised sexual exploitation. We, like other MPs, were shocked not only by what the content of the Report showed had been happening in Rotherham since 1997 but by the implication that the pattern revealed could be repeated across the country. Our deep concern was shared across Parliament, and select committees—such as the Home Affairs Committee²—have to vigorously pursue the issues raised in the Jay Report for the areas which they scrutinise. We scrutinise local government, and Professor Jay’s Report and the concerns it raises have significant implications for local government.

2. We therefore moved quickly to call before us on 10 September Martin Kimber, Chief Executive, and Joyce Thacker, Strategic Director of Children’s and Young People’s Services, of Rotherham Metropolitan Borough Council, who were then in post. Their evidence raised a number of concerns which we considered should be put to Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, and to the Local Government Association. In addition, we sought supplementary evidence from the officers from Rotherham on a number of matters which emerged during their oral evidence. We wrote to them on the following day, 11 September,³ and they responded quickly and constructively and we have published the correspondence.⁴ Subsequently, on 13 October we took evidence from Professor Jay herself and from the new Leader of Rotherham Council, Cllr Paul Lakin, and from Cllr David Simmonds, Chairman of the Children and Young People Board, and Carolyn Downs, Chief Executive, of the Local Government Association. We thank those who gave oral evidence and responded in correspondence.

3. It is clear to us that the Government is taking the disturbing evidence revealed from Rotherham seriously and has announced several interventions, three of which have the potential for significant implications for local government:

- a) the Independent Panel Inquiry into Child Sexual Abuse;
- b) the independent inspection of the compliance of Rotherham Council; and
- c) the appointment of Children’s Social Care Commissioner for Rotherham, following an Ofsted inspection of the council’s children’s services.

1 Rotherham Metropolitan Borough Council, [Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 - 2013](#), (the “Jay Report”)

2 Home Affairs Committee, [Child sexual exploitation and the response to localised grooming: follow-up](#), Sixth Report of 2014–15, HC203

3 [Letter from Communities and Local Government Committee to Secretary of State for Communities and Local Government](#), 11 September 2014

4 [Letters from the Chief Executive of Rotherham Council](#), 18 and 25 September and 24 October 2014

[Letter from the Director, Schools and Lifelong Learning, Children and Young People’s Services, Rotherham Council](#), dated 25 September 2014

[Letters from the Local Government Association](#), 2 and 10 October 2014

[Letter from the Secretary of State for Communities and Local Government](#), 10 October 2014

Independent Panel Inquiry into Child Sexual Abuse

4. On 7 July 2014, the Home Secretary, Rt Hon Theresa May MP, announced the setting up of the Independent Panel Inquiry into Child Sexual Abuse.⁵ The terms of reference of the Inquiry are widely drawn and encompass “Local Authorities including care homes and children’s services”.⁶ It is clear to us that once this Inquiry starts work it will need time to carry out its work thoroughly and to cover its remit comprehensively, which is wider than local government. Although it may produce interim reports, it is likely that its work will not be completed until the next parliament.

Independent inspection of the compliance of Rotherham Council

5. On 10 September, after the publication of the Jay Report, the Secretary of State for Communities and Local Government announced that he would use his powers to commission an independent inspection of the compliance of Rotherham Council in the exercise of its functions on governance, children and young people, and taxi and private hire licensing. He appointed Louise Casey CB to carry out the inspection and asked her to report by 30 November 2014.⁷ Subsequently on 24 September, the Secretaries of State for Communities and Local Government and Education wrote to the Leaders of all the Principal Councils in England pointing out that Professor Jay’s Report highlighted not only serious failings in the council over a number of years with regard to the safeguarding of children but “also serious failings of corporate governance, leadership, culture, and the operation of the overview and scrutiny function”.⁸

6. It is our intention to call Louise Casey to give evidence after she has completed her inspection of Rotherham Council.

Appointment of Children’s Social Care Commissioner for Rotherham

7. On 7 October Rt Hon Nicky Morgan MP, Secretary of State for Education, wrote to Rotherham Council. She cited an advice note from Ofsted expressing “deep concerns about the emerging evidence from inspectors currently undertaking an inspection of children’s social care services in Rotherham” and indicated that she was minded to appoint a Commissioner “to urgently investigate and address the failings identified by [Ofsted] and recommend immediate next steps”.⁹ Reports from Ofsted feature in the Jay Report and—as we explain in our Report¹⁰—we have concerns about its work in Rotherham. **We have a number of questions about the performance and actions of Ofsted and it is our intention to call Ofsted to provide answers.**

5 HC Deb, 7 July 2014, [cols 23-26](#); see also HC Deb, 5 September 2014, [cols 28-29WS](#) and HC Deb, 21 October 2014, [cols 65-66WS](#) and the website of the [Independent Panel Inquiry into Child Sexual Abuse](#).

6 Terms of reference, [Independent Panel Inquiry into Child Sexual Abuse](#)

7 HC Deb, 10 September 2014, [cols 37-40WS](#)

8 [Letter from Secretaries of State for Communities and Local Government and Education to Leaders of Principal Councils](#), 24 September 2014

9 [Letter from the Secretary of State for Education to Rotherham Council](#), 7 October 2014

10 See para 36 below.

Our inquiry

8. We considered carefully whether we should launch a full-scale inquiry ourselves with a call for written evidence from all those with an interest given that the issues raised by the Jay Report are likely to have widespread and long-term implications for local government. It is clear to us, however, that further work by this Committee or its successor will be predicated on the findings and conclusions of the Independent Panel Inquiry into Child Sexual Abuse on questions such as the prevalence and nature of organised child sexual exploitation. Instead, we are monitoring developments and contributing to the process of examination and, we hope, improvement. This is the context in which we have approached this Report and the oral evidence sessions we have held and plan to hold. We set out in the next chapter of this Report those matters which we consider give rise to concern and need further examination. Between now and the end of the parliament in March 2015 we may produce a further report should evidence emerge or there be significant developments affecting local government.

9. We expect that our successor committee in the next parliament would want to look carefully at the recommendations and conclusions emerging from the Independent Panel Inquiry into Child Sexual Abuse. The committee may wish to examine those recommendations and conclusions which apply to local government and, later in the parliament, it may wish to examine how, and to what effect, they have been implemented.

2 Matters of concern

Commissioning the Jay Report

10. We start with a commendation. Amid the storm which has followed the publication of the Jay Report, the fact that Rotherham itself commissioned the Report has been lost. Given the pattern of denial of child sexual exploitation exposed by the Jay Report, it would not have been unexpected for Rotherham to attempt to bat away further allegations. However, that is not what happened in 2013. Both the Chief Executive and the new Leader of the Council provided us with accounts of what happened in 2013.

11. The Chief Executive, Martin Kimber, said that, when faced with fresh press reports of child sexual exploitation in Rotherham and a police investigation, he and a Cabinet member had persuaded the leadership of the Council to commission the Report. The Chief Executive said that he had acted following a report¹¹ in The Times on 23 August 2013

relating to the experiences of a young female who had suffered child sexual exploitation in Rotherham [...] and who had been let down by services at that time. There had also been previous articles on a similar subject.

The article of 23rd of August was fundamentally different. It contained inferences that a then senior politician might have had some knowledge of these historic matters. I was shocked at this inference and had never heard or suspected this might be the case. This was a significant moment. I felt there were issues associated with the history of the town that were not fully known to me, and also that other officers and members were not aware of. I was uncertain how this should be tackled but ultimately advised that an independent examination of historic cases was needed.¹²

12. Cllr Lakin, who became Leader of the Council in 2014, said that:

Rotherham was getting hit, year after year, with the Times reports on sexual exploitation, where we were getting constantly accused of cover up and failing to listen to the victims. I had never been party to any political discussion around that, and it got to a point in September 2012 where I said to the Leader, “This needs to go into Labour Group. We are being accused here by The Times.” We had had the Times report in 2012, which was around Child S and moral cowardice. Again, it contained references to covering up because of ethnicity. “We really need this debate.” To be fair, the Leader did not disagree. Up to that point, my discussions had not been with the Leader; they had been with the Deputy Leader.¹³

He continued:

There was no resistance in 2013. In 2013, just to put the record straight, there was a further Times article relating to the then Deputy Leader around his alleged

11 [“The happy teenager who was transformed by Rotherham sex abuser”](#), The Times, 23 August 2013

12 [Letter from the Chief Executive of Rotherham Council](#), 25 September 2014

13 Q244

involvement in handover of a young girl named Jessica. At that point, the Police and Crime Commissioner announced three reviews. He did the one for the Crown prosecutor; the independent HMI; and he announced his own review into historic cases of child abuse. I think this was brought up, if I am right, in the questioning from Mr Vaz in the Home Affairs Select Committee in January 2013. When the Chief Executive and then Director of Children's Services went down there, they were asked why Rochdale had a review and why Rotherham had not.

It was only right at that time that, if the victims of sexual exploitation in Rotherham were going to be heard, Rotherham owed it to them to undertake an independent inquiry. I had a discussion with the Leader. The Leader was not keen initially. That discussion culminated in a fairly heated debate, dare I say refereed at that point by the then Deputy Leader. I was assisted in that argument by several cabinet member colleagues, at which point the Leader took on board our comments, phoned the Chief Executive and asked him to commission the review. I had said to the Leader, "If you do not have an independent inquiry, I will be walking out of this room; I will be speaking in favour of an independent inquiry in Labour Group; and then what you do with me as a cabinet member is your choice."¹⁴

13. We have set out at length two accounts of the circumstances surrounding the commissioning of the Jay Report to show that in both accounts the stimulus for action was the press. Significantly, it was not any internal council processes or external reviews or inspections.

14. We would be seriously concerned if other local authorities where there are credible allegations or suspicions of organised child sexual exploitation were to hold off from carrying out their own investigations because of the consequences of the publication of the Jay Report in Rotherham or indeed to wait for the outcome of the Independent Panel Inquiry into Child Sexual Abuse, which still has not got a Chair in place.

The extent of child sexual exploitation in England

15. A key issue is the extent to which organised child sexual exploitation—as exposed in Rotherham—is prevalent across England. In her Report Professor Jay made a "conservative estimate" that there were "more than 1,400 victims in the period covered by the Inquiry, and an unknown number who were at risk of being exploited".¹⁵ (Professor Jay supplied us with a memorandum setting out the methodology behind the 1,400 estimate, which we have published.)¹⁶ When she gave evidence to us Professor Jay was clear that Rotherham was not unique and she drew attention to the Deputy Children's Commissioner for England's report into child sexual exploitation in gangs and groups,¹⁷ which confirmed that it occurred elsewhere.¹⁸ What we learned about organised child sexual exploitation in

14 Q245

15 [Jay Report](#), p 29

16 [Explanatory note for the Communities and Local Government Select Committee on the scale of child sexual exploitation](#), 22 October 2014

17 Office of the Children's Commissioner, ["If only someone had listened": Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups – Final Report](#), November 2013

18 Q195

Rotherham during this inquiry chimed with the Deputy Children's Commissioner's principal finding:

Despite increased awareness and a heightened state of alert regarding child sexual exploitation children are still slipping through the net and falling prey to sexual predators. Serious gaps remain in the knowledge, practice and services required to tackle this problem. There are pockets of good practice, but much still needs to be done to prevent thousands more children falling victim.¹⁹

The Local Government Association (LGA) also said that the problem was “extremely widespread” and that “depending upon the demographics of the area, depending upon whether the area is rural or urban, depending upon the history of the area, it takes different forms”.²⁰

16. On 24 September, the Secretaries of State for Communities and Local Government and Education wrote to the Leaders of all the Principal Councils in England asking them to “read Professor Jay’s report and consider whether you have adequate measures in place to ensure that you cannot be accused of similar failings”.²¹ When we asked for a clearer set of benchmarks and national standards around child sexual exploitation the Secretary of State for Communities and Local Government said that the statutory guidance *Working Together to Safeguard Children* set out what was required of local authorities and their partners to keep children safe, including from sexual exploitation. He added that:

Ofsted have announced a thematic review of how local authorities respond to that guidance in delivering services to children at risk of exploitation. In addition, the Education Secretary has asked the Chief Social Worker to consider the lessons for local authorities from Professor Jay’s report and any implications for her Department’s programme of social work reform.²²

We welcome the Secretary of State’s clarification on benchmarks.

17. On the evidence we took the alarming conclusion is that Rotherham was not an outlier and that there is a widespread problem of organised child sexual exploitation in England. It follows that other authorities not only need to review their own arrangements in the light of the Jay Report but also the Government needs to ensure that the guidance and benchmarks are in place to ensure these reviews are effective and children are identified and protected.

Local authority systems

18. The Jay Report sets out in detail the weaknesses in Rotherham Council’s systems for identifying and tackling organised child sexual exploitation. It covers in chilling and

19 Office of the Children’s Commissioner, [“If only someone had listened”: Office of the Children’s Commissioner’s Inquiry into Child Sexual Exploitation in Gangs and Groups – Final Report](#), November 2013, p 7

20 Q253

21 [Letter from Secretaries of State for Communities and Local Government and Education to Leaders of Principal Councils](#), 24 September 2014

22 [Letter from the Secretary of State for Communities and Local Government](#), 10 October 2014

comprehensive detail deficiencies within the Council and the problems it faced. There are two matters on which we wish to comment.

Scrutiny

19. First, Rotherham's structure of policies and plans were divorced from reality. As Professor Jay told us, Rotherham "had no shortage of policies, procedures or plans. There were mountains of them, but the weakness was that nobody checked whether they were being implemented, or indeed whether they were any good."²³ Rotherham moved to a cabinet system by 2004²⁴ but the scrutiny process, which is an essential component of the cabinet system, appears to have been ineffectual. Professor Jay recorded in her Report that:

A presentation on sexual exploitation was made to a special seminar for councillors in November 2004. This presentation was explicit about known perpetrators, their ethnic origins, and where they operated. Similar presentations were made to other groups, including the Safeguarding Board, over the following weeks. As a result, the Leader of the Council set up a 'Task and Finish Group' to consider safe travel, safe houses, witness protection, training and publicity to raise public awareness of the issue. Senior councillors attended a conference on child sexual exploitation held in Rotherham in April 2006. A training session for councillors was arranged in June 2007 and a further conference in 2011.²⁵

The subsequent history of the Task and Finish Group is confusing. Professor Jay records:

In November 2005, the Chair of the Children and Young People's Voluntary Sector Consortium wrote to the Chief Executive, expressing concern at the problem of child sexual exploitation [CSE] in Rotherham and recalling that members of the Consortium gave evidence to the Task and Finish Group on March 2. The Consortium had not been represented at any meetings after that. She requested a progress report on the Group's work. The Chief Executive's reply has not been found. In late 2005, the Group agreed that more awareness training around CSE needed to be provided within the child protection training programme. There is no further record of this group's meetings or its outputs or how it ceased to exist.²⁶

20. The Task and Finish Group included the Leader and may have had both executive and scrutiny functions. It is not clear. There were other bodies which appear to have had been exclusively for scrutiny. Professor Jay noted in her Report that:

Overview and scrutiny committees may make recommendations to the Council's Executive. Under other legislation the Council's scrutiny committee may also make recommendations to other local bodies. Many scrutiny functions have a process by which recommendations are monitored to check on their implementation. This is seen as one of the principal ways in which to ascertain the impact that scrutiny has

23 Q197

24 When he gave oral evidence the Chief Executive was uncertain of the date but suggested it may have been around 2004 (Q78); Rotherham Council's [website](#) holds minutes of cabinet meetings going back to 2000.

25 [Jay Report](#), para 1.9

26 [Jay Report](#), para 13.46

on local services. In 2005, the Children’s and Young People’s Scrutiny Panel was set up. This included up to 12 elected members. In 2006, the Looked After Children Scrutiny Sub-Panel was set up, with 11 elected members. It was disbanded in 2010 and replaced by the Corporate Parenting Group, with six elected members. There was also an Overview and Scrutiny Management Board, which reviewed what all the separate scrutiny panels were discussing. Since 2012, there are four Select Commissions for scrutiny, replacing the previous panels.²⁷

Professor Jay found it significant that there was an

apparent lack of effective scrutiny exercised by these several groups or bodies, and least of all by the Scrutiny Panels. Scrutiny in its widest sense is an essential component of Cabinet government. Rarely does it appear from the minutes that councillors have held officers to account by checking the evidence for proposals or asking whether their ends could be met in other ways. It may be that the minutes are written in bland, non-specific, language, but that does nothing to reassure the public that genuine accountability is being exercised. It is important that councillors test proposals by reference to their broad experience and their knowledge of the Borough and their own constituents. There should be nothing threatening about this; good officers should welcome challenge as a central part of local democracy.²⁸

21. Scrutiny needs to function effectively in an authority such as Rotherham where often one party holds a predominance of the council seats and in the case of Rotherham where there was, as the Chief Executive told us, the “dominance of a particular personality within the Council who at times could be very direct”.²⁹ As with its policies Rotherham has on paper a scrutiny structure that appears comprehensive³⁰ and councillors sat on these scrutiny bodies but child sexual exploitation has tragically shown the actuality of scrutiny to be lacking. **In our view the circumstances found within Rotherham Council—policies divorced from reality, single party supremacy and a dominating personality with predominate influence—are likely to be found in other local authorities. In the face of these conditions it is essential that scrutiny arrangements are effective and separate from the executive functions and that the executive needs to be challenged when there is evidence of an acute problem which it has failed to take into account or address.**

Senior officers and councillors

22. When she gave evidence to us we asked the then Strategic Director of Children’s and Young People’s Services, Joyce Thacker, for an example of a report on her fears about child sexual exploitation that she had taken to the cabinet member responsible for children’s services. She supplied two. We, as former councillors, have some experience of such reports and in our view nothing in either report would have immediately and

27 [Jay Report](#), para 13.54

28 [Jay Report](#), para 13.58

29 [Letter from the Chief Executive of Rotherham Council](#), 25 September 2014 and see also Qq178-79.

30 [Letter from the Chief Executive of Rotherham Council](#), 25 September 2014

unambiguously alerted the recipient that there was a serious problem.³¹ (There may be other reports prepared by officers of the Council, or oral briefings, to the cabinet members that did set alarm bells ringing but we have not seen them.) The two reports we examined gave the impression that, while there were risks and problems, the Council and its partner agencies and police were working together effectively. The problem that was given some prominence was the child sexual exploitation of boys, not girls, which is the primary focus of the Jay Report's revelations. Neither report proposed additional action or resources.

23. When she gave evidence Professor Jay shared our concern and said that these reports "needed to make unambiguous statements about the seriousness and scale of the problem, which they did not".³² The inadequate reports prepared by officers are only part of the picture. Councillors had been alerted to the problems of child sexual exploitation at the seminar that took place in November 2004 and warnings were repeated at subsequent seminars, but the elected leaders of the Council appear to have made no effort either to test what the officers were reporting or, as Professor Jay notes, to check on or, we note, measure progress, let alone assess the extent of organised child sexual exploitation in Rotherham. **The quality of the reports from senior officers and the apparent lack of challenge by councillors raises a serious question about the adequacy of skills and training of executive councillors.**

Whistleblowers

24. When the Council officers gave evidence to us, they explained that the Council had arrangements in place for whistleblowers³³ and they sent us a copy of the policy.³⁴ As with other policies at Rotherham there must be a question whether the policy on paper accords with the actuality. The then Strategic Director of Children's and Young People's Services told us that that has been no whistleblowing about child sexual exploitation.³⁵ **The effectiveness of Rotherham Council's policy on whistleblowers needs to be tested.**

The conduct of former council officers

25. The former Leader of the Council, Roger Stone, resigned on the publication of the Jay Report in August 2014.³⁶ The Chief Executive and the Strategic Director of Children's and Young People's Services at Rotherham have left, or are leaving, their posts as a result of the findings in the Jay Report on child sexual exploitation within the borough. **Given the extent and consequences of the systemic failures identified in the Jay Report we must conclude that the departures of the senior officers and the former Leader of Rotherham Council was the correct course.**

31 [Letter from the Director, Schools and Lifelong Learning, Children and Young People's Services, Rotherham Council](#), 25 September 2014; reports dated 9 July 2008, 28 November 2008; see also [Letter from the Chief Executive of Rotherham Council](#), 24 October 2014

32 Q187

33 Qq137-40

34 [Letter from the Chief Executive of Rotherham Council](#), 25 September 2014

35 Q137

36 ["Council leader Roger Stone quits over child grooming report"](#), Rotherham Advertiser, 27 August 2014

26. Professor Jay, however, makes it clear that the departing officers had taken steps to improve the services at Rotherham:

There have been many improvements in the last four years by both the Council and the Police [...] There is a central team in children's social care which works jointly with the Police and deals with child sexual exploitation. This works well but the team struggles to keep pace with the demands of its workload.³⁷

27. Professor Jay's Report covers the period from 1997 and it must follow that the departing officers' predecessors, during whose tenures the problems appear to have lain unaddressed, if not disregarded or suppressed, have serious questions to answer for their conduct during the time they were responsible for children's services at Rotherham Council. One specific concern we share with Professor Jay is

about particular missing information around the time of 1999 to 2003. This was at a period of time when a group of [...] dedicated professionals were meeting and trying hard to address the issues, both at an individual level, monitoring children who were victims, but also to share intelligence about perpetrators and where they were operating. That included the police, the health service and [...] children's social care. These meetings were carefully minuted, as I understand, and those minutes were never available. I asked for them on several occasions, and they could not be found.

Some of those who were involved in the meetings originally were very distressed by the fact that they could not be found. There was no explanation for this. Indeed, the council's monitoring officer did approach the police as well and ask if they had any copies of these minutes. There were four years of minutes. That is important, not just from the point of view of the inquiry, but also because they contained information about how decisions were made about these children's lives.³⁸

28. As we explained when we took oral evidence, it is not our job to apportion blame to individuals, but it is to examine whether the proper mechanisms are in place to hold any individuals who may have responsibility for failings, or for successes, properly to account.³⁹ The accountability of those senior staff with responsibility for the effective operation of a local authority, where, after their departure from the authority, serious concerns have arisen about their conduct, gives rise to an important matter of public policy. On the one hand, where serious weaknesses, such as those at Rotherham, have emerged the public and not least the residents of Rotherham can reasonably expect senior officers, as well as councillors, to be held to account. On the other hand, officers facing these questions and allegations must have a fair hearing and be able to defend themselves against any allegations and have access to all the relevant papers.

29. When we put our concerns to the LGA it replied in detail setting out how the existing arrangements work across local government in respect of employees who had moved to a new employer and also of those who had retired before the concerns came to light.⁴⁰ For

37 [Jay Report](#), Executive Summary

38 Q161

39 Qq 2 and 153

40 [Letters from the Local Government Association](#), 2 and 10 October 2014

those in a regulated role, such as social workers registered by the Health and Care Professions Council, they would be subject to the processes of the regulating body, to establish whether the individual is fit to perform their current role. For individuals not subject to regulation, the key tests would be for their current employer:

- a) whether the individual's actions at the council which used to employ them mean that the employer can no longer have confidence in them to perform their role; or
- b) whether the actions have brought the employer into disrepute.⁴¹

30. We found the Local Government Association's contributions useful and in our view they provide the foundations for an equitable process for examining the conduct of local government officers who have moved on from an authority when concerns about their performance in a previous post emerge. There are, however, problems. First, there is the need for access to evidence which will become more inaccessible with the passage of time. Second, the threshold for dismissal is such that, as Cllr Simmonds from the LGA explained:

If it comes to light that there are concerns arising from somebody's past employment that would give rise to either senior management in a local authority or members being very uneasy about that person in that role, but those do not amount to something that, under employment law or the legislation relating to the Director of Children's Services, the Head of Paid Service or a Section 151 officer, would allow them to be dismissed in a straightforward way, then it is likely that that person would leave the organisation using a compromise agreement.⁴²

31. Rotherham Council and the LGA took the view that, while the Jay Report provided an initial evidence base, it did not assist in examining the conduct of individual members of staff. Rotherham is undertaking an independent investigation with an independent social worker and an independent HR adviser, who will be looking specifically at the casework in Professor Jay's Report.⁴³ This review will "consider all professional staffing issues".⁴⁴ Where potential misconduct has been identified by a person still working for Rotherham this would be a matter for Rotherham Council. Where potential misconduct has been identified and the person no longer works for Rotherham a determination will be made whether that is a matter that should be referred to the new employer and whether it is something that should be referred to the appropriate professional bodies. If information is passed to the new employer, it will be for that employer to determine whether that is damaging their reputation or whether that person is no longer fit to practise in that role.⁴⁵

32. We welcome the action of Rotherham Council to put in place arrangements to examine the conduct of present and past employees. It is our intention to review the outcome of this process, if it emerges before this parliament is dissolved, or, if not, to suggest that our successor committee in the next parliament consider the matter. In

41 [Letter from the Local Government Association](#), 2 October 2014

42 Q262

43 [Letter from the Chief Executive of Rotherham Council](#), 18 September 2014; Q266

44 [Letter from the Local Government Association](#), 2 October 2014

45 [Letter from the Chief Executive of Rotherham Council](#), 18 September 2014; Q266

addition, we consider that this process in Rotherham would be enhanced and made more equitable to all concerned if there was a thorough and independent review to establish why the papers produced between 1999 and 2003, which Professor Jay sought, are missing. It might start by asking whether the missing minutes were ever kept and what should have been the process for preserving them.

Ofsted

33. In her Report Professor Jay summarised Ofsted's activities:

Ofsted conducted regular inspections, planned or unannounced, notably a full inspection in 2003, a follow-up in 2004, a full inspection in 2008, a 'monitoring visit' in 2009, an unannounced inspection in August 2009, a full inspection in 2010, an unannounced inspection in 2011, and an unannounced review of child protection services in August 2012. Following the inspection in 2009, the Minister of State for Young People and Families issued to the Council a Notice of Requirement to Improve its children's services. The Notice was removed in January 2011.⁴⁶

Subsequently, in August 2012 Ofsted rated Rotherham's child protection services as 'adequate' commending 'significant improvements'.⁴⁷ When we asked Professor Jay whether she considered that Ofsted had failed the children of Rotherham, she replied: "To some extent, yes."⁴⁸ She added that Ofsted's reports

continued again and again to refer to the same issues coming up: lack of monitoring; inadequate supervision; the absence of sound information systems, etc., but they did not seem to demand any direct and sustained improvement take place. They simply reported and then it went onto the next and the next, so there was no clear message that "We are not going to tolerate that this has not improved". I thought that was a weakness in their approach.

[Child sexual exploitation] was not mentioned in any report until 2006 and then, I would quote, "It appeared that vulnerable children and young people are kept safe from abuse and exploitation". As I have said in [my] report, that statement in itself may have given false reassurance, and in fact was quoted back to me by some senior people who were around at that time as proof of their good stewardship of children's services.⁴⁹

34. While concern has rightly been directed at Rotherham Council (and also at the police), we consider that the Jay Report provides serious questions about the performance of Ofsted and its inspection of the Rotherham Council's services. We therefore consider it important to question Ofsted about its record in reviewing children's services at Rotherham and, as indicated, we shall be calling Ofsted to give evidence.

46 [Jay Report](#), para 1.14

47 [Jay Report](#), p 13

48 Q200

49 Q200

Resources

35. When we took evidence from both the officers and the current Leader of Rotherham Council and when we wrote to the Secretary of State for Communities and Local Government, we raised the question of resources.⁵⁰ Rotherham has given an indication of some of the costs required to improve its services and to reach the 1,400 estimated victims of child sexual exploitation. It said that it would

estimate financial provision for additional post abuse support, for a dedicated Child Sexual Exploitation coordinator to work across all agencies and staffing to cope with additional referrals at least into the medium term. We estimate that the resourcing requirements for this will amount to approximately £250,000 in each of the next three financial years. We are not in a position to quantify the cost of additional external support we need to assist with investigations flowing from the Jay report, but a conservative estimate might be up to £100,000 to be met this financial year and next.

In addition, the Council will also need to invest in systems development to ensure that its ICT infrastructure is fit for purpose [...] We estimate to implement this effectively and allow for data migration we will need to make provision for a capital spend in excess of £1 million over the next two financial years.⁵¹

36. We are grateful for the figures Rotherham has supplied. We also welcome the Secretary of State's statement that "urgent work is underway across government to understand how we might most effectively support victims through the agencies that comprise the Rotherham Safeguarding Children Board".⁵² **At this stage and before the inspections have reported and the Improvement Board has completed its work a budget for the costs needed to tackle, identify or put right the damage caused by organised child sexual exploitation in Rotherham is not possible. There will be costs, and the Secretary of State has recognised that resources are going to be needed. These costs will include care, support, counselling and therapy for the victims and survivors of organised child sexual exploitation, and some of these costs will not fall on local government. Similarly for England more detailed estimates may not be available ahead of the outcome of the Independent Panel Inquiry into Child Sexual Abuse. If Rotherham is an indicator, we would expect that substantial resources may be needed, and resources to implement their recommendations will need to be found.**

50 See Qq 134 and following, 213-15, [Letter from the Chief Executive of Rotherham Council](#), 24 October 2014 and [Letter from Communities and Local Government Committee to Secretary of State for Communities and Local Government](#), 11 September 2014

51 [Letter from the Chief Executive of Rotherham Council](#), 24 October 2014

52 [Letter from Communities and Local Government Committee to Secretary of State for Communities and Local Government](#), 11 September 2014

Conclusions

37. The Jay Report sets out in chilling detail how the authorities responsible for protecting children in Rotherham against sexual exploitation failed at least 1,400 children. On the basis of this inquiry it is clear that, although there was convincing evidence of organised child sexual exploitation in Rotherham, none of the parts of the system designed to scrutinise or challenge had any perceptible effect in identifying or challenging the prevailing insensitivity to child sexual exploitation within the Council. It was the press which stimulated action. One of the lessons for local government from the Jay Report into child sexual exploitation in Rotherham will be the need to improve scrutiny and challenge within council governance. Our concerns about the effectiveness of scrutiny within local government were underlined on 4 November with the publication of the Best Value Inspection of London Borough of Tower Hamlets Report,⁵³ which revealed in the words of the Secretary of State for Communities and Local Government “the breakdown of democratic scrutiny and accountability” within Tower Hamlets Council.⁵⁴ **It will, of course, be a matter for our successor committee in the next parliament to determine its own programme but we see a case for an inquiry into the operation of scrutiny within local government in England.**

⁵³ PWC, [Best Value Inspection of London Borough of Tower Hamlets Report](#), 16 October 2014

⁵⁴ HC Deb, 4 November 2014, [col 663](#)

Conclusions and recommendations

Independent inspection of the compliance of Rotherham Council

1. It is our intention to call Louise Casey to give evidence after she has completed her inspection of Rotherham Council. (Paragraph 6)

Ofsted

2. We have a number of questions about the performance and actions of Ofsted and it is our intention to call Ofsted to provide answers. (Paragraph 7)

Matter for consideration by successor committee

3. We expect that our successor committee in the next parliament would want to look carefully at the recommendations and conclusions emerging from the Independent Panel Inquiry into Child Sexual Abuse. The committee may wish to examine those recommendations and conclusions which apply to local government and, later in the parliament, it may wish to examine how, and to what effect, they have been implemented. (Paragraph 9)

Commissioning the Jay Report

4. We have set out at length two accounts of the circumstances surrounding the commissioning of the Jay Report to show that in both accounts the stimulus for action was the press. Significantly, it was not any internal council processes or external reviews or inspections. (Paragraph 13)

Investigations by other local authorities

5. We would be seriously concerned if other local authorities where there are credible allegations or suspicions of organised child sexual exploitation were to hold off from carrying out their own investigations because of the consequences of the publication of the Jay Report in Rotherham or indeed to wait for the outcome of the Independent Panel Inquiry into Child Sexual Abuse, which still has not got a Chair in place. (Paragraph 14)

The extent of child sexual exploitation in England

6. On the evidence we took the alarming conclusion is that Rotherham was not an outlier and that there is a widespread problem of organised child sexual exploitation in England. It follows that other authorities not only need to review their own arrangements in the light of the Jay Report but also the Government needs to ensure that the guidance and benchmarks are in place to ensure these reviews are effective and children are identified and protected. (Paragraph 17)

Scrutiny

7. In our view the circumstances found within Rotherham Council—policies divorced from reality, single party supremacy and a dominating personality with predominate influence—are likely to be found in other local authorities. In the face of these conditions it is essential that scrutiny arrangements are effective and separate from the executive functions and that the executive needs to be challenged when there is evidence of an acute problem which it has failed to take into account or address. (Paragraph 21)

Senior officers and councillors

8. The quality of the reports from senior officers and the apparent lack of challenge by councillors raises a serious question about the adequacy of skills and training of executive councillors. (Paragraph 23)

Whistleblowers

9. The effectiveness of Rotherham Council's policy on whistleblowers needs to be tested. (Paragraph 24)

The conduct of former council officers

10. Given the extent and consequences of the systemic failures identified in the Jay Report we must conclude that the departures of the senior officers and the former Leader of Rotherham Council was the correct course. (Paragraph 25)
11. We found the Local Government Association's contributions useful and in our view they provide the foundations for an equitable process for examining the conduct of local government officers who have moved on from an authority when concerns about their performance in a previous post emerge. (Paragraph 30)
12. We welcome the action of Rotherham Council to put in place arrangements to examine the conduct of present and past employees. It is our intention to review the outcome of this process, if it emerges before this parliament is dissolved, or, if not, to suggest that our successor committee in the next parliament consider the matter. In addition, we consider that this process in Rotherham would be enhanced and made more equitable to all concerned if there was a thorough and independent review to establish why the papers produced between 1999 and 2003, which Professor Jay sought, are missing. It might start by asking whether the missing minutes were ever kept and what should have been the process for preserving them. (Paragraph 32)

Ofsted

13. While concern has rightly been directed at Rotherham Council (and also at the police), we consider that the Jay Report provides serious questions about the performance of Ofsted and its inspection of the Rotherham Council's services. We therefore consider it important to question Ofsted about its record in reviewing

children's services at Rotherham and, as indicated, we shall be calling Ofsted to give evidence. (Paragraph 34)

Resources

14. At this stage and before the inspections have reported and the Improvement Board has completed its work a budget for the costs needed to tackle, identify or put right the damage caused by organised child sexual exploitation in Rotherham is not possible. There will be costs, and the Secretary of State has recognised that resources are going to be needed. These costs will include care, support, counselling and therapy for the victims and survivors of organised child sexual exploitation, and some of these costs will not fall on local government. Similarly for England more detailed estimates may not be available ahead of the outcome of the Independent Panel Inquiry into Child Sexual Abuse. If Rotherham is an indicator, we would expect that substantial resources may be needed, and resources to implement their recommendations will need to be found. (Paragraph 36)

Conclusions

15. It will, of course, be a matter for our successor committee in the next parliament to determine its own programme but we see a case for an inquiry into the operation of scrutiny within local government in England (Paragraph 37)

Formal Minutes

Tuesday 11 November 2014

Members present:

Mr Clive Betts, in the Chair

Bob Blackman
Mrs Mary Glindon
David Heyes

Mark Pawsey
John Stevenson
Chris Williamson

Draft Report (*Child sexual exploitation in Rotherham: some issues for local government*) proposed by the Chair, brought up and read.

Ordered, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 37 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned until 3.00pm on Tuesday 18 November

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [Committee's inquiry page](#)

Wednesday 10 September 2014

Martin Kimber, Chief Executive, Rotherham Metropolitan Borough Council, and **Joyce Thacker**, Strategic Director of Children and Young People's Services, Rotherham Metropolitan Borough Council

[Q 1-151](#)

Monday 13 October 2014

Professor Alexis Jay OBE, Author, 'Independent Inquiry into Child Sexual Exploitation in Rotherham (1997-2013)'

[Q 152-210](#)

Councillor Paul Lakin, Leader, Rotherham Metropolitan Borough Council

[Q 211-251](#)

Councillor David Simmonds, Chairman, Children and Young People Board, and **Carolyn Downs**, Chief Executive, Local Government Association, Local Government Association

[Q 252-272](#)

Correspondence

The Committee received the following correspondence, which can be viewed on the [inquiry page](#).

- 1 [Chair of the Committee to the Secretary of State for Communities and Local Government, dated 11 September 2014](#)
- 2 [Chief Executive of Rotherham Council, dated 18 September 2014](#)
- 3 [Director, Schools and Lifelong Learning, Children and Young People's Services, Rotherham Council, dated 25 September 2014](#)
- 4 [Chief Executive of Rotherham Council, dated 25 September 2014](#)
- 5 [Chief Executive of the Local Government Association, dated 2 October 2014](#)
- 6 [Secretary of State for Communities and Local Government, dated 10 October 2014](#)
- 7 [Chief Executive of the Local Government Association, dated 10 October 2014](#)
- 8 [Chief Executive of the Local Government Association, dated 23 October 2014](#)
- 9 [Explanatory Note from Professor Alexis Jay OBE, dated 22 October 2014](#)
- 10 [Chief Executive of Rotherham Council, dated 24 October 2014](#)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at www.parliament.uk/clg.

The reference number of the Government's response to each Report is in brackets after the HC printing number.

Session 2014–15

First Report	Devolution in England: the case for local government	HC 503
Second Report	Local government Chief Officers' remuneration	HC 191
First Special Report	Further review of the work of the Local Government Ombudsman: Responses to the Committee's Fifth Report of Session 2013–14	HC 192
Second Special Report	Local Government Procurement: Response of the Local Government Association to the Committee's Sixth Report of Session 2013–14	HC 193

Session 2013–14

First Report	The Private Rented Sector	HC 50 (CM 8730)
First Special Report	Committee's response to the Government's consultation on permitted development rights for homeowners: Government response to the Committee's Seventh Report of Session 2012–13	HC 173
Second Report	The work of the Regulation Committee of the Homes and Communities Agency	HC 310 (HC 836)
Third Report	Community Budgets	HC 163 (CM 8794)
Fourth Report	Post-legislative scrutiny of the Greater London Authority Act 2007 and the London Assembly	HC 213 (CM 8761)
Fifth Report	Further review of the work of the Local Government Ombudsman	HC 866
Sixth Report	Local Government Procurement	HC712 (CM 8888)
Seventh Report	Building Regulations certification of domestic electrical work	HC 906 (CM 8853)

HC Session 2012–13

First Report	Park Homes	HC 177-I (CM 8424)
Second Report	European Regional Development Fund	HC 81 (CM 8389)
Third Report	The work of the Local Government Ombudsman	HC 431 (HC 615 & HC 650)
Fourth Report	Pre-appointment hearing for the Chair of the Audit Commission	HC 553
Fifth Report	Mutual and co-operative approaches to delivering local services	HC 112 (CM 8547 & HC 1091)

Sixth Report	Councillors on the frontline	HC 432 (CM 8582)
Seventh Report	The Committee's response to the Government's consultation on permitted development rights for homeowners	HC 830
Eighth Report	The role of local authorities in health issues	HC 694 (CM 8638)
Ninth Report	Implementation of welfare reform by local authorities	HC 833 (CM 8635)

Session 2010–12

First Special Report	Beyond Decent Homes: Government response to the Committee's Fourth Report of Session 2009–10	HC 746
First Report	Local Authority Publications	HC 666 (HC 834)
Second Special Report	Local Authority Publications: Government response to the Committee's Sixth Report of Session 2010-11	HC 834
Second Report	Abolition of Regional Spatial Strategies: a planning vacuum?	HC 517 (CM 8103)
Third Special Report	FiReControl: Government response to the Committee's Fifth Report of Session 2009–10	HC 835
Third Report	Localism	HC 547 (CM 8183)
Fourth Report	Audit and inspection of local authorities	HC 763 (CM 8209)
Fifth Report	Localisation issues in welfare reform	HC 1406 (CM 8272)
Sixth Report	Regeneration	HC 1014 (CM 8264)
Seventh Report	Pre-appointment hearing for the Government's preferred nominee for Chair of the Homes and Communities Agency Regulation Committee	HC 1612
Eighth Report	The National Planning Policy Framework	HC 1526 (CM 8322)
Ninth Report	Taking forward Community Budgets	HC 1750
Tenth Report	Building regulations applying to electrical and gas installation and repairs in dwellings	HC 1851 (CM 8369)
Fourth Special Report	Preventing violent extremism: Government response to the Committee's Sixth Report of Session 2009–10	HC 1951
Eleventh Report	Financing of new housing supply	HC 1652 (CM 8401)