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LGiU POLICY BRIEFING

THE JAY INQUIRY (ROTHERHAM REPORT)

A BRIEFING WHICH HIGHLIGHTS THE MOST SALIENT POINTS OF THE FULL REPORT AND ADDITIONAL INFORMATION

Summary

The report of the Independent Inquiry into child sexual exploitation (CSE) in Rotherham between 1997 and 2013, conducted by Alexis Jay OBE, was published by Rotherham Borough Council (which commissioned it) on 26 August 2014. The Leader of the Council resigned the same day, taking responsibility on behalf of the Council for the historic failings described in the report, and apologising to the young people and their families who had been so badly let down. The Chief Executive has now said he is leaving.

The report has received widespread media coverage, with regular comment since its publication, including an urgent question (a request for a statement) in the House of Commons to Home Secretary Theresa May from her shadow, Yvette Cooper, on 2 September. The Commons Home Affairs Committee takes further evidence on child sexual exploitation in Rotherham on 9 September.

This briefing contains a short summary of the report, and focuses more on the reaction to it and the implications for local authorities and their partners. It will be of interest to elected members and officers with responsibility for the broad range of services for children and young people, all of which have a role to play in identifying those at risk of sexual exploitation and in successful approaches to tackling it.

Overview

The Independent Inquiry commissioned by Rotherham Borough Council into child sexual exploitation (CSE), and conducted by Professor Alexis Jay OBE (previously Chief Social Work Adviser to the Scottish Government), found that a conservative estimate of 1,400 children were sexually exploited over the full Inquiry period from 1997 to 2013. More than a third of these children were previously known to services because of child protection and neglect; the 'appalling' abuse they suffered included rape by multiple perpetrators, trafficking to other towns and cities in the north of England, brutal violence and intimidation. The victims were as young as 11 years old. The report stresses that 'this abuse is not confined to the past but continues to this day'.

The report has been widely covered and commented on in the media, and this briefing focuses on the issues it raises for local authorities and their partners into the future – though it does include a short summary of the report and its recommendations.

Home Secretary Theresa May, responding to an urgent question (a request for a statement) from her Shadow Yvette Cooper on 2 September, said that she will chair meetings with other ministers (including the Secretaries of State for Education and for Communities and Local Government) ‘to look at what happened in Rotherham... [and] consider what the state at every level should do to prevent this appalling situation from happening again’.

Mrs May said that the findings of the Rotherham inquiry will feed into the work of the recently-announced independent panel inquiry into whether public and non-state bodies have taken seriously their duty of care to protect children from sexual abuse. On 5 September, it was announced that the panel would be chaired by the current Lord Mayor of London, Fiona Woolf, replacing its initial chair, Lady Butler-Sloss.

Briefing in full

Short summary of the Independent Inquiry report

- Nobody knows the true scale of child sexual exploitation (CSE) in Rotherham over the years; the Inquiry’s ‘conservative estimate’ is that around 1,400 children were victims between 1997 and 2013
- In just over a third of cases, the children affected were previously known to services
- the abuse the children suffered was ‘appalling’, with considerable violence and intimidation, and girls as young as 11 raped by large numbers of male perpetrators
- abuse is still going on: in May 2014, the caseload of the specialist CSE team was 51, with more cases held by other teams; in 2013 the police received 157 reports concerning CSE
- over the first 12 years covered by the Inquiry, ‘the collective failures of political and officer leadership were blatant’; despite growing evidence from front line staff that CSE was a serious problem in Rotherham (and three reports known to the police and the Council), the scale and seriousness of the problem was underplayed by senior managers in social care, and the police gave no priority to CSE, regarding many victims with contempt and failing to act on their abuse as a crime
- in the early 2000s, a small group of professionals from key agencies met and monitored a large number of children known to be involved in CSE or at risk, with little help or support from their managers – some of whom continued to think the extent of the problem was being exaggerated. There was an improvement in the management response from 2007, but by 2009 the children’s social care service was acutely understaffed and over stretched
- ‘seminars for elected members and senior officers in 2004–5 presented the abuse in the most explicit terms. After these events, nobody could say “we didn’t know”’
- by far the majority of the perpetrators were described as ‘Asian’ by victims, yet councillors did not engage directly with the Pakistani-heritage community to discuss how best they could jointly address the issue. Several staff described their nervousness about identifying the ethnic origins of perpetrators for fear of being thought racist, and others remembered clear directions from their managers not to do so
- in December 2009 the Council’s children’s safeguarding service was put into intervention after an extremely critical Ofsted report; it was removed from intervention 13 months later

- Rotherham Safeguarding Children Board and its predecessor body oversaw the development of good inter-agency policies and procedures for CSE, but members of the Board rarely checked whether they were being implemented or were working, and the challenge and scrutiny function of the Safeguarding Board and of the Council were lacking
- there have been many improvements in the last four years, by both the Council and the police, and the Safeguarding Board has improved its response and holds agencies to account. There are still matters for children's social care to address, and there is not enough long-term support for the child victims.

The report's recommendations

The report made 15 recommendations, some of which are specific to Rotherham with little broader relevance. The following (summarised), although addressing the situation in Rotherham, seem more generally useful:

- Senior managers should ensure that there are up-to-date risk assessments on all children affected by CSE. These should be of consistently high quality and clearly recorded on the child's file.
- Managers should develop a more strategic approach to protecting looked after children who are sexually exploited. This must include the use of out-of-area placements. The Borough should work with other authorities to minimise the risks of sexual exploitation to all children, including those living in placements where they may become exposed to CSE.
- The Council should make every effort to make help reach out to victims of CSE who are not yet in touch with services.
- Wider children's social care, the CSE team and integrated youth and support services should work better together to ensure that children affected by CSE are well supported and offered an appropriate range of preventive services.
- All services should recognise that once a child is affected by CSE, he or she is likely to require support and therapeutic intervention for an extended period of time. Children should not be offered short-term intervention only, and cases should not be closed prematurely. The Safeguarding Board should work with local agencies, including health, to secure the delivery of post-abuse support services.
- There should be more direct and more frequent engagement by the Council and also the Safeguarding Board with women and men from minority ethnic communities on the issue of CSE and other forms of abuse. The Safeguarding Board should address the under-reporting of sexual exploitation and abuse in minority ethnic communities.
- The issue of race should be tackled as an absolute priority if it is a significant factor in the criminal activity of organised child sexual abuse in the Borough.
- We recommend to the Department of Education that the guiding principle on redactions in Serious Case Reviews must be that the welfare of any children involved is paramount.

Parliamentary debate, 2 September

Home Secretary Theresa May, in response to an urgent question (a request for a statement) from her Shadow Yvette Cooper, described what happened in Rotherham as 'a complete dereliction of duty'. "Many [of the victims] have seen their cries for help ignored and the perpetrators not yet brought to justice. There can be no excuse for that."

Mrs May described Rotherham as the 'latest in a line of harrowing revelations about the sexual abuse of children', which is why an independent panel is being established to look into whether public and non-state bodies have taken seriously their duty of care to protect

children from sexual abuse. She said she was meeting Prof Jay to discuss her report and make sure it fed properly into the work of the panel (to which, it was subsequently announced, Prof Jay will act as an expert adviser). She had also spoken to the Chief Constable of South Yorkshire, and told the House that there are current investigations covering 'several hundred victims' – "We must ensure that these perpetrators are brought to justice".

The Home Secretary said that she will chair meetings with other Ministers, including the Secretaries of State for Education and for Communities and Local Government, to look at what happened in Rotherham, consider Prof Jay's report and 'consider what the state at every level should do to prevent this appalling situation ever happening again'. This will build on the work of the Home Office-led national group to tackle sexual violence against children and vulnerable people to better identify those at risk and create a victim-focused culture within the police, health and children's services.

This has already led to the publication of new guidance for the police and Crown prosecutors on investigating and prosecuting cases of child abuse; to giving new powers for the police to request information from hotels suspected of being used for child sexual abuse and to close premises where such offences have been or are likely to be committed; to the provision of training for private security workers to spot signs of child sexual exploitation; and to the piloting of pre-trial cross-examination of vulnerable witnesses and publication of a new victims' code.

Other points in the statement included:

- the Government will consider how best to support the establishment of co-located teams involving the police, children's services, health services and others as a successful model for mitigating the risk of children slipping through the safeguarding net
- the Secretary of State for Communities and Local Government is minded to use his powers to commission an independent inspection of the council's compliance with its best-value duty, with a particular focus on its corporate governance and service arrangements; he is also considering the implications of Prof Jay's report for all local authorities in England
- the Secretary of State for Education has already discussed these issues with the DfE's chief social worker and is looking at how better to support victims and children at risk
- the Department of Health-led work into the mental health and well-being of children and young people will include a specific focus on the victims of sexual violence and abuse, and consider the particular needs of those subject to exploitation

"I am clear that cultural concerns – both the fear of being seen as racist and the disdainful attitude to some of our most vulnerable children – must never stand in the way of child protection. We know that child sexual exploitation happens in all communities. There is no excuse for it in any of them and there is never any excuse for failing to bring the perpetrators to justice."

The Home Secretary's statement was followed by a debate in which a wide range of MPs took part. Key points (and/or the Home Secretary's responses *in italics*), summarised, and included the following:

- Shadow Home Secretary: This is not just about Rotherham... It is about every community. Time and again, it is the same problems: children not being listened to, victims treated as though they were responsible for the crimes committed against them and institutions that just looked the other way. This is not just historic; it is

happening today... We need to consider changing the law because we need mandatory reporting to underpin a culture change...

o *The Government is looking at mandatory reporting, but it is important to look properly at the evidence of whether it is effective in protecting children...the number of reports can go up significantly, but many reports are not justified, which diminishes the ability to deal with the serious reports and protect children – this is a complex issue.*

- Sarah Champion, MP for Rotherham: “I am angry that the people paid to care for children let them down appallingly... that the abusers are still out on the streets... [and] that 1,400 young people have not got the justice or support that they deserve. Will the Home Secretary work with me to ensure that the necessary resources are in place so that they can get the resolution that they so desperately need?”

o *“Yes. I commend the hon. Lady for the careful and thoughtful way in which she has responded to this appalling report and these appalling revelations. We will certainly work with her... [In addition to investigations in South Yorkshire]. Sadly, we must recognise that similar investigations are also taking place in other parts of the country. We are beginning to unveil the extent of the problem... and in so doing we can now start to get to grips with it.”*

- *The Secretary of State for Education has been looking into the local safeguarding children board plans for CSE [in accordance with the national CSE action plan]; they are of variable quality, and the ministerial team will be considering how to raise their quality – but it is also essential that work is then done to put them into practice.*
- Will the Government support [John Hemming’s] private Member’s Bill which seeks to establish a remedy for children in care so that they can be protected from maltreatment in the care system?

o *I will take this point away and discuss it with the Secretary of State for Communities and Local Government.*

- *The Secretary of State for Communities and Local Government is considering the lessons that may need to be learned for local authorities as a result of this report... What matters most is that those who are elected representatives ask the right questions and are prepared to pursue their concerns and not simply to allow them to be allayed in unsatisfactory ways... We all have a responsibility for encouraging those who are councillors or elected representatives (MPs as well) to ask the questions and to push, so that when we are concerned about failure to take action, we highlight that and make sure that something happens.*
- Will the Home Secretary press for a national roll-out of the pilot for pre-recorded evidence as a vital tool for protecting very vulnerable witnesses from being re-traumatised in the court process and for increasing the chances of prosecutions?

o *We are awaiting the full evaluation of the pilot. We would want to be able to roll it out, but we should ensure that we do that in the right way; we need to learn the lessons from the pilot.*

- *Sexual exploitation of children takes place across all communities. We need to recognise that and not simply think that it is a problem for one particular community. When certain communities are involved, we should not allow cultural concerns to get in the way of protecting children and bringing perpetrators to justice.*
- *The Department of Health is considering the mental health needs of those who have been the victim of sexual exploitation, and what action is necessary in terms of the Rotherham experience and more widely.*

- *There is a question about the extent of hidden abuse and sexual exploitation within communities that is not revealed even by the work of Prof Jay. We should encourage the victims of not only child sexual exploitation and child abuse, but domestic violence, to come forward so that those issues can be properly dealt with.*
- *Some people will come to positions of responsibility [such as lead member for children's services] with a background of previous work that gives them greater understanding, but others will have no background in the area. I would say to anyone in such a role, 'You must be prepared to ask questions, and if you have any concerns, you must actually pursue them'.*
- *The work of the Child Exploitation and Online Protection Centre (CEOP), now under the National Crime Agency, is about not just protecting children and catching perpetrators who are grooming children online, but education and trying to ensure that youngsters themselves are better able to recognise what is happening to them and better able to take action.*
- *Will the Home Secretary ensure that each local authority reviews its procedures for dealing with grooming cases, including how it deals with children in care, how it gets young people to recognise abuse, and the training of its social workers and all those involved in corporate parenting... Does she accept that it is the responsibility of every Member of the House to make sure this is done in their own area?*

o These are precisely the areas the issues that the work I will be doing with the Secretaries of State for Education and for Communities and Local Government will be addressing... action will be taken to look at the lessons that need to be learned by local authorities... and as MPs we all have a responsibility for ensuring that these matters are being dealt with properly in our own areas.

- *Prof Jay mentions several independent investigations and inspections of Rotherham children's services over the years, a number conducted by Ofsted, virtually all of which offered general reassurance about what was happening, and prior to 2009 talked about improvements. How can we be certain that Ofsted has the skills and abilities to conduct a much better inspection next time?*
- *The Secretary of State for Education is looking at the whole question of making sure that inspections at local authority level are aware of the issues that they need to be looking at and deal with those issues properly.*

The independent inquiry into historic child sexual abuse

The Home Office has said that the Inquiry, announced in July, will be chaired by Fiona Woolf CBE, JP (currently Lord Mayor of London), who will replace the original chair Lady Butler-Sloss. Ms Woolf is a City lawyer and a former chair of the Law Society. Panel members will include Graham Wilmer MBE, a child sexual abuse victim and founder of the Lantern Project, and Barbara Hearn OBE, former deputy CEO of the National Children's Bureau. Prof Alexis Jay will act as an expert adviser to the Inquiry. Their first tasks will be to finalise the membership of the Inquiry, and agree its terms of reference.

Comment

There is some sense from the reaction to Professor Jay's report that it *might* mark a turning point, and lead to a wider recognition of the scale and extent of child sexual exploitation and a greater determination to take more effective action to identify potential victims, to protect them from harm, to support better those who do become victims and to disrupt and prosecute more successfully the perpetrators of exploitation and abuse. But it will require a collective resolve, and persistence, to make that the case. Perhaps, because this is the latest in a depressing line of such reports, it may mark a 'tipping point'.

There are calls for a separate national inquiry into child sexual exploitation, including its extent across the UK, what needs to be done to tackle it and how agencies and communities need to change in order for allegations of CSE to be taken more seriously; 'adding it to the remit of an historical abuse inquiry misses the point'.

Former Director of Public Prosecutions Kier Starmer has written of 'a deeply embedded cultural issue about how we deal with vulnerable victims. He point out that the majority do not report what is happening to them; that they rarely have a positive relationship with those in power, do not think they will be believed and have no confidence that things will change for the better; that, if they do come forward they are, indeed, often met with a wall of disbelief. 'We need raw honesty about the cultural change required in relation to vulnerable victims. We have allowed a series of myths and stereotypes about how "real" victims behave to creep into our institutions and our decision-making... The case for some form of mandatory reporting of child sexual abuse backed up by criminal sanctions is also overwhelming.'

Mark Danczuk, MP for Rochdale, goes further, arguing that Rotherham is not an isolated case and that it illustrates a growing tendency for management to be too remote from front line practitioners, never mind from the victims themselves; that there is no connection and little empathy between the lives of the professionals and those whom they are employed to protect.

But the BBC's Home editor, Mark Easton, wrote that 'We are witnessing an important and significant shift in awareness and response'. He points out that 'large numbers of children are and always have been sexually abused in this country', and this has been reported in research findings for over a decade (as it has been more recently in [reports](#) from the Office of the Children's Commissioner). 'The scandal is not only that very large numbers of vulnerable children are being sexually abused, but that for so long we as a society have collectively ignored their plight... The protection of institutional reputation or community cohesion has been put before the protection of children – a salutary example of profoundly misplaced priorities.'

One consequence of so many inquiries and reports is a plethora of recommendations about what local authorities and their partners could or should be doing. The National Working Group ([NWG](#)) Network, a charitable membership organisation of over 2,500 practitioners, has published a helpful *Summary of Recommendations – All Agencies* which draws many of these together. Barnardo's and the LGA have also published [guidance \(PDF document\)](#) for local authorities on developing effective responses to child sexual exploitation.

In addition, it is vital not only to ensure that everything possible is done in future to prevent and prosecute such abuse, but also to transform the support available for those who are already, or become, victims. It is not enough for the Department of Health to be considering the mental health needs of victims; there is an urgent need to move mental health services for children and young people onto a different scale. That will take not only money, but time as more practitioners are trained.

Meanwhile, it has to be recognised – and certainly is in Prof Jay's report – that the current level of cuts faced by local government, and the consequential reduction on frontline services (including vital outreach work) is placing more vulnerable young people in greater danger.