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Lead Commissioner Mary Ney

10<sup>th</sup> November 2017

The Rt Hon. Sajid Javid MP  
Secretary of State for  
Communities & Local Government  
Department for Communities & Local  
Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

The Rt Hon. Justine Greening MP  
Secretary of State for Education  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

Dear Secretaries of State,

This is the Commissioners' 11<sup>th</sup> report since we were appointed to Rotherham Council in February 2015. In our August letter, I was able to give you positive news on progress of those powers now returned to the Council. I will use this opportunity to indicate further positive progress on the two areas where Commissioners still hold additional oversight, i.e. adult social care and domestic abuse. In your recent letter to us, you asked to be updated on any actions arising from the six investigation reports commissioned by the Council following the Jay report in August 2014. I will also report on the Council's latest position regarding the financial strategy, the ongoing review into complaints and whistleblowing, and update you on preparations for the independent health check taking place early next year.

As previously, Commissioner Bradwell will report separately to the Secretary of State for Education in relation to Children's Social Care and its continued progress. At the time of writing, the Council is receiving an Ofsted inspection which commenced on 7<sup>th</sup> November 2017.

**Six Investigatory Reports – Action following publication**

Prior to the appointment of Commissioners and following the publication of the Jay Report, the Council commissioned six independent investigations to identify accountability for what occurred and any lessons to be learned. As I indicated in my August report to you the Council arranged for all six reports to be published and received at a public meeting which was held on 6<sup>th</sup> September 2017. The Council asked me to provide independent chairing of that meeting at which the report authors presented their findings and responded to questions from Councillors and the public. The meeting was webcast and was well attended by victims and survivors as well as the national media. Whilst the reports did provide important additional information and identified missed opportunities, there was widespread disappointment that accountability for failure had not been sufficiently attributed to individuals but had been found to be widespread and systemic over a prolonged period.

Victims and survivors, together with the Council expressed concern that some ex-officers and ex-elected members had either not fully contributed or not participated at all in the investigations and could not be compelled to do so. The Commissioners shared these concerns. I understand the Leader of the Council has written to you setting out the generally applicable issues that exist in the current governance arrangements in this regard.

The issues arising from the reports were also the subject of debate at full Council and in addition the Commissioner Team has pursued a dialogue with the Leader and Chief Executive on the follow up action that needs to be considered in responding to the reports. The Council together with the Safeguarding Board and key partners has a number of actions in hand which includes:

- Ensuring lessons are learned across the Council and by the safeguarding partnership.  
The former is being addressed by a series of action learning sets to be conducted with a range of staff groups across the Council. The Local safeguarding Board will consider the lessons to be learned at their December meeting.
- Dealing with other historic abuse cases not covered by the reports.  
As historic cases (1997-2013) are identified by the NCA Operation Stovewood investigation, the NCA have confirmed that they will deal with any potential issues of criminality by public officials and they have agreed a process with the Local Safeguarding Board to identify practice issues which relate to individual agencies or multi agency working. In addition the Board and the NCA will hold regular reviews of current practice. These arrangements will go some way to demonstrate to victims, survivors and their families that issues of accountability and lessons to be learned will continue to be a feature for all agencies in Rotherham as more information comes to light.
- Escalation and challenge.  
The Reports do record widespread knowledge and concern about CSE and a common theme in the reports was weaknesses in both the approach to escalation of concerns and to challenge between agencies including on individual case judgements. The Safeguarding Board now has an escalation policy in place which is being used. In addition the Chair of the Board is meeting the Local Criminal Justice Board to identify decision making trends on criminal matters.

## **Adult Social Care**

In my August report to you, I referred to the pressures within adult social care and the actions the Council was taking to manage demand and a backlog of referrals. I can now report that the Council has continued to make progress with its improvement work. In particular, the governance arrangements of the Adult Social Care Improvement Board have been refreshed and now include external challenge from an experienced independent chair Andrew Cozens and additional peer support/critical friend input from the Local Government Association. A new improvement plan is in place and the LGA has reviewed and critiqued the programme to support the improvement plan.

The Council continues to experience rising demand but has responded proactively and has made good progress on managing and clearing the backlog of unallocated referrals. The ongoing reduction of the backlog, performance and caseload management is being closely project managed within the improvement plan.

## **Domestic Abuse**

Further progress has been made on a range of actions including:

- The Domestic Abuse action plan is now completed and agreed across partners, fully aligning it to the strategy.
- Bradford City Council has been selected as the Council's peer review partner. It has recently undertaken the new government Joint Targeted Area Inspection model and is therefore able to provide additional insight to the peer review. The scope and process will be formally agreed at the December meeting of the Safer Rotherham Partnership with the review conducted throughout January.
- The perpetrator programme is currently out to tender, and will be awarded for a two-year period. Anticipated to launch in January 2018, the programme will be a partnership between South Yorkshire Police, the four South Yorkshire local authorities, and the Police and Crime Commissioner for South Yorkshire.

## **Complaints and Whistleblowing Review**

You have asked for assurance in 2018 of how well the Council addresses complaints from residents and whistle-blowers, and to that end I have set up a review into both areas. We have agreed the outcomes with your officials and the review will therefore cover:

- Whether the complaints and whistleblowing processes are consistent with national guidance and best practice;
- If officers and Elected Members are sufficiently aware of the processes and there is effective training and advice for staff involved in both procedures;
- If there are sufficient levels of oversight and action by senior management and Cabinet when presented with trends and levels of complaints/ whistleblowing through Council reporting.

The final report will be completed and sent to DCLG officials by the end of the calendar year.

## **The Medium-Term Financial Strategy**

As I reported in my August letter the Council is working to address a budget gap of £42m across the next two financial years and with a current gap of £19m for 2018/19. In addition, in-year significant overspending in both Children's Services and Adult Social Care Budgets of nearly £8m as a result of service demand will have to be addressed. Overall this presents a very challenging position and the Council will need to bring forward measures to address this over the coming weeks. There is concern that continued reliance on depleted reserves will start to leave the Council vulnerable to financial risk in the future. Although this function was returned to the Council nearly two years ago Commissioners will maintain an oversight of the Council's progress with this challenge.

In this context the additional burdens on the Council deriving from the work of the NCA Operation Stovewood are providing raised concern. You will be aware that Operation Stovewood is the large-scale police investigation into historic child sexual exploitation in Rotherham between 1997 and 2013. To date there have been 26 arrests and 21 suspects charged; Stovewood is currently investigating over 80 designated suspects and is engaged with over 200 victims. The Council and local partners are strongly committed to supporting the Operation and good working arrangements have been developed. However, the burden of the work and the need for resources is beyond the funding ability of the Council and its local partners. For instance for every perpetrator, there is the need to undertake statutory assessments of any children they may be in contact with and then resource any mitigating

action. For every victim (now adults with their own families) there is the need for intensive support through the process of investigation, through the trial and its aftermath and to deal with the practical and emotional consequences for them and their families. The Council has been in dialogue with Government via The Home Office since late 2015, on what is referred to as the Fusion Bid, because it is based on a multi-agency approach which local experience shows is successful. Whilst the DfE has agreed to special funding to support this work, two years on the Council has at best, uncertain prospects of funding for the balance of the cost. The Council and Commissioners are very grateful to the DfE for the crucial support they are providing and whilst the Council will continue to pursue any finding mechanisms that government can suggest, we remain disappointed and pessimistic about the prospects of success and of the potential impact on the ongoing success of Stovewood prosecutions. Given the accelerating activity of arrests by Stovewood, Commissioners are concerned that the Council now needs to review its approach to ongoing support and in the light of the wider context of its financial position. Commissioners will maintain oversight of this situation.

### **Independent Health Check**

In my August letter, I signalled my intention to commission an independent check of the Council's preparedness as we move through the final phases of the intervention. I have now started this process and the independent review is being designed to assess whether the intervention has served its purpose and the Council's fitness to continue its improvement journey without Commissioner oversight and without detriment to the Council's best value duty. If the health check does not form a positive view it will comment on the issues which require further attention.

The health check is therefore designed to examine and comment on:

- The competence of the Council's political leadership to promote the vision for the borough, to have the confidence of stakeholders and to work effectively with officers;
- The competence of the Council's officer leadership to operate corporately and work effectively with Members;
- Sufficiency of clarity about strategic direction and priorities which are becoming widely understood;
- Engagement with key partners, the quality of partnership working and the Council's leadership role;
- Engagement with residents and stakeholders, building community cohesion;
- Capacity and resolve to deliver financial stability and financial discipline;
- Capacity and resolve to identify and manage risk, and to deal with new demands, turbulence, challenges, services weaknesses and failures, media attention and reputational risks;
- A positive and healthy organisational culture and attention to performance management;
- Prospects for the sustainability and continuity of competent leadership.
- Assurance of improved Council capability in relation to adult social care and domestic abuse, in preparedness for the removal of additional measures of Commissioners' formal advice set out in revised Directions on 12<sup>th</sup> September.

The standard being sought is not for the Council to have achieved wide ranging excellence, but to be self-aware and tenaciously committed to continuous improvement without the oversight of Commissioners. In particular, the political and managerial leadership of the Council need to demonstrate their commitment and understanding of their roles in ensuring that the children of Rotherham are kept safe and thrive. The extent to which the review applies to Children's Services will depend on progress with that aspect of the intervention, particularly following the Ofsted inspection which is now being undertaken and will report later this year.

I am delighted to report that Frances Done has agreed to lead the team undertaking the Health Check. She has experience with interventions as a government appointed Commissioner in Birmingham City Council and has had a career at a senior level within local government and the Audit Commission. The team will also include an experienced chief executive and a Council leader, along with team analytical support and advice. The LGA has already offered to support this piece of work. The health check will be undertaken in the week commencing 28<sup>th</sup> February 2018 and I aim to report back to you before the end of March 2018.

Overall Commissioners continue to see evidence of ongoing progress by the Council and a recent example has been the receipt of an unqualified opinion from the external auditors (the first occasion since the intervention commenced). In addition with the return of the majority of Council powers, we have noted the growing strength of leadership of the Leader of the Council and the Chief Executive which bodes well for the ongoing task of cascading improvement in leadership throughout senior and middle management. We would also note the Leader's wider role within the region which has been prominent and consistent.

The coming months are a crucial time for the Council and for the assessment of the intervention in its final phase by both the commissioners and government. In this regard, if it was felt timely and helpful the Commissioners would welcome the opportunity to expand on our views in discussion with you or the minister.

In line with our normal practice we will publish this letter on the Council's website in the coming weeks.

Yours sincerely



Mary Ney  
Lead Commissioner