

Summary report:  
**Independent  
Investigations  
Reports**

SEPTEMBER 2017



**Six investigations were commissioned by Rotherham Council, in 2014 and 2015, following the findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham (Jay Report), and the “Report of Inspection of Rotherham Metropolitan Borough Council” (Louise Casey Report).**

This report summarises the investigations’ terms of reference, findings and recommendations. It also summarises the work the Council has carried out to address these findings and recommendations.

This report is authorised by Sharon Kemp, Chief Executive of Rotherham Borough Council.

The full investigation reports can be viewed on the Council’s website: [www.rotherham.gov.uk](http://www.rotherham.gov.uk)

# Summary report: Independent Investigations Reports

**The Council has recognised its past failure to carry out its responsibilities to children and young people and ensure proper corporate governance. The Council has sincerely apologised for these failures.**

Professor Alexis Jay's Independent Inquiry into Child Sexual Exploitation in Rotherham was published in August 2014. Covering the period 1997 to 2013, it looked at how Rotherham's children's services dealt with child sexual exploitation cases. The report found evidence of the sexual exploitation of at least 1,400 children in Rotherham during this period.

Given the serious failings highlighted by the Jay report, the Government appointed Louise Casey CB to carry out an inspection of Rotherham Council in relation to governance, children and young people services and taxi and private hire licensing.

Louise Casey's report was published in February 2015 and found widespread failings across the Council's culture and services.

In February 2015, the Secretary of State exercised his powers of intervention and appointed a team of Commissioners to take over all of the Council's executive functions, licensing powers and to begin a rapid improvement programme.

As part of its commitment to improvement, the Council commissioned six investigations in 2014 and 2015. The purpose of these were to further investigate the findings of the Jay and Casey reports and issues raised in the following weeks.

## **These investigations are focused as follows:**

1. Investigation into the Performance, Practice and Conduct of Senior Employees of the Council over the period of the Jay Report (1997-2013) and further highlighted in the Corporate Governance Inspection report made by Louise Casey (February 2015) (Gowling WLG)
2. Independent Investigation - Review of Cases A to O referred to in the Jay Report (Independent Consultant)
3. Audit Investigation into the Alleged Removal of Files and Impairment of Computer Records - April 2002
4. Audit Investigation into Missing Minutes from Meetings of the Key Players' Group - Late 1990s to 2003/04
5. Audit Investigation - Theft of 21 Laptops from Norfolk House, Rotherham: 26th October 2011 - Review of the Council's Response
6. Report into Rotherham Taxi Licensing and Enforcement Service - 2010 to the present (Weightmans LLP)

These investigations each have a different and specific focus, are complex in nature and have involved over 100 people directly, about events spanning over 15 years. The resulting reports should not be read in isolation. Alongside the Jay and Casey reports, their contents form part of an overall picture of the historic practice and culture of the Council.

Since the Jay and Casey reports, the Council has worked constructively with the Commissioners to deliver a programme of improvement; to secure a safe environment for children and ensure good, sustainable services and regulation so that healthy democratic leadership and accountability can be fully restored. To date, two thirds of the functions, including licensing, have been returned to Council control.

At this point the Council is just over half way through its five-year improvement programme in its children and young people's services. Significant improvements have been made and this progress has been regularly checked and recognised by independent bodies, including Ofsted and the Rotherham Local Children's Safeguarding Board. There is still more to be done.

The Council is committed to ensuring all of its services are as good as they can be for Rotherham residents and that it continues to do all it can, alongside partners, to keep children safe from those who seek to hurt them.

# 1

## **Investigation into the Conduct of Senior Employees of the Council over the period of the Jay Report (1997-2013):**

Mark Greenburgh, Partner, Gowling WLG

- 1.1 The report was intended to assist the Council to determine whether or not there are grounds to commence disciplinary or capability proceedings against any current employee or the need to refer any current employee to the relevant regulator on grounds of professional misconduct.
- 1.2 Further, the report was intended to assist the Council in determining whether in the case of former employees any such recommendations, together with supporting information, would be passed to the current employer for them to consider.

### **Terms of reference**

- 1.3 Prepare a framework report to establish the relevant social care practice and professional standards in respect of child sexual exploitation across the Relevant Period including current practice;
- 1.4 Establish and agree a list of those members of staff who may have held responsibility for the Council's response to child sexual exploitation and to identify their individual role (or absence of) as well as their collective responsibilities, actions and failings across the Relevant Period;
- 1.5 Identify and, if possible, interview witnesses/former employees/current employees to establish the facts necessary to form conclusions relevant to the matters at (i) and (ii) above.
- 1.6 Review available relevant documentation such as reports, minutes of meetings, performance inspection reports, plans and strategies relevant to the matters at (i) and (ii) above.
- 1.7 Provide a report to the Council that sets out conclusions and recommendations to include any further steps to ensure human resource actions are taken where appropriate. This should include findings about the actions or inactions of current and former employees, and recommendations on whether disciplinary or capability procedures should be considered. In the case of former employees any such recommendations together with supporting information would be passed to the current employer for them to consider.

## Conclusions and recommendations of the report

- 1.8 *Based on the evidence we our conclusions and recommendations to the Council are as follows:*
- 1.9 *To the best of our knowledge the following senior officers are not working elsewhere in any capacity: Mr Carruthers, Mr Cuff, Mr Kimber, Mr Gomersall, Mrs Thacker, Ms Billups and Mr Rogers. In relation to these former officers, whilst there may have been errors of judgement or missed opportunities as detailed in this report; and a failure, in some cases to tackle cultural issues effectively (or, in Mr Rogers' case, to grasp issues in a service for which he was directly responsible); we have found no culpable behaviour which could now justify any form of legal action or regulatory involvement of any kind. These officers may be in receipt of pensions from the Local Government Pension Scheme. Whilst there are provisions within the scheme to review pensions in certain circumstances, the evidence we have found would not support any application of the provisions associated with either gross negligence or fraud. We do not believe that there are any grounds for the Council to take steps in this respect.*
- 1.10 *We have not identified that disciplinary and/or capability proceedings are warranted in respect of any senior manager currently in post at the Council. Similarly we have not identified that a referral to the Health and Care Professions Council (HCPC) is warranted in respect of any current or former officer of the Council identified in this report.*
- 1.11 *Some of the events in the Relevant Period took place a long time ago and doubtless the processes and reports that have already been made public will have caused all involved to have reflected and learned much with the passage of time and experience. We have residual concerns regarding the response to what was already a well-established issue by Mr Perry and Mr Woolfenden during their respective tenure in office. The evidence we have reviewed is insufficient for us to reach a concluded view. We would encourage their current employers to be satisfied that any relevant lessons have been learned.*
- 1.12 *We have been told that the current employers of Mr Fitzgerald and Ms Allen have already conducted investigations of their own – but we have not been provided with any details of the evidence considered or the conclusions reached. We make no comment as to the adequacy or robustness of those processes or their findings. The initial investigation into Ms Wilson was undertaken by this firm (the “Doncaster Report”), albeit without the benefit of much of the oral and documentary evidence available for this report.*
- 1.13 *However, the lessons to be learned are important for the sector as a whole and with this in mind, we recommend that the Council refers this report and its findings to the current employer of Mr Fitzgerald and Ms Wilson. It is important to be clear that we have not found that either of these people were uniquely culpable for the Council's response to emerging evidence of CSE. But there are points at which each missed opportunities to have changed the outcomes. We recommend that those employers consider whether they wish to raise any of these matters with their employee in light of the content of this report, the findings of any internal investigation already conducted and the nature*

*of the role and responsibilities now undertaken by the employee in their current role, to satisfy themselves that the learning has been adequately captured. Had the officers referred to in (a) above still been active in the sector we would have made the same recommendation. In respect of Ms Allen, whilst no adverse finding has been reached about her work for the Council in this report, we recommend that the Council refers this report and its findings to her current employer for them to review in light of the internal investigation they've already undertaken.*

- 1.14 *We are mindful of the conclusions of the House of Commons Select Committee for Communities and Local Government in its Report dated 18 November 2014 (Reference HC 648) which concluded that it is for the current employers to be satisfied that each has confidence in the individuals in their employment and their ability to perform their current role and whether they consider that any conduct on the part of the employee has brought the new employer into disrepute.*
- 1.15 *This report has examined what happened in the past and many of those involved have retired or moved on. The Council is not the same institution it once was either in terms of performance or culture, where significant improvements appear to have been made. We recognise that substantial progress, especially in Children's Services. Whilst the present day managers should look to see how the lessons learned are implemented, in our view it is vital that, the Council should continue to look forward.*
- 1.16 *Gowling WLG also concluded that "on the evidence available to us we have concluded that the way in which the Council responded to CSE in Rotherham was not the responsibility or fault of any one person. It was the product of multiple and systemic failures".*

### **Council response since the time period covered by the report**

- 1.17 There are no senior employees that are referred in the recommendations of this report who are still employed by the Council.
- 1.18 The recommendations in relation to the former employees referred to in the Gowling's report will be complied with in that current employers will be referred to the content of the report.
- 1.19 The Council has an entirely new senior leadership team, who were appointed to ensure proper oversight of services and instil new values and behaviours across the organisation; focusing on better ways of working and a culture that wants to listen, learn and improve.
- 1.20 In Children's Services, there is a new senior management team in place, also placing high expectations on standards. The Council has made significant investments in this area; employing more social workers to enable smaller caseloads and strengthening front-line staff in critical areas.
- 1.21 The Council continues to build strong relationships with, staff, partners and communities.



- 1.22 The Council has, with the support of the Commissioners, reviewed its whistleblowing policy; the way it is being implemented and the support for staff who wish to raise concerns.
- 1.23 The senior leadership team is focused on the delivery of the Council's Improvement Plan, embedding new performance management arrangements for ensuring its delivery and publishing progress reports every quarter.
- 1.24 The Council held its first all-out elections since 2004, in 2016. Between 2015 and 2016 36 new councillors were elected for the first time. This has meant that the majority of the council has changed since 2015.
- 1.25 Over the last three years, the Council's progress has been regularly checked and recognised by independent bodies, as part of the Local Government Association peer reviews, by Ofsted and by Rotherham Local Children's Safeguarding Board.
- 1.26 Since two thirds of powers have been returned to the Council, there has been no breach of its Best Value duties in respect of these functions.
- 1.27 The Council has revitalised its cross-party Overview and Scrutiny Board, to monitor where the Council is progressing and focus discussion and robust challenge on areas needing further improvement.
- 1.28 Councillors, including Cabinet Members, have undertaken an extensive programme of mentoring support with their sponsor (Local Government Association) reporting an increase in confidence and knowledge. Each new member has undertaken full induction which includes understanding the additional expected standards of behaviours introduced in 2015.
- 1.29 Since 2015, there have been no instances of poor behaviour by Councillors which have been referred to the Council's Standards and Ethics Committee.

## 2

### **Independent Investigation – Review of Cases A to O referred to in the Jay Report: Jean Imray, Independent Consultant**

A number of case studies were referred to in the Jay Report, which depicted abuse suffered by children within Rotherham during the period covered by the Jay Report. In order to be satisfied that the Council had taken all appropriate action in relation to the social workers and managers involved in those cases, an investigation was commissioned by the Director of Human Resources of the Council in respect of social work practice evidenced in these cases.

#### **Terms of reference**

- 2.1 To undertake a detailed review of case files listed in the Professor Jay Report (Child A to O) to identify if social care practice and reporting of any matters of concern was undertaken in line with professional standards;
- 2.2 Where central to the investigation, interview witnesses/employees to establish facts necessary to form conclusions regarding the handling of the case files and professional standards displayed;
- 2.3 To review all relevant documentation such as reports, minutes of meetings, performance inspection reports, plans and strategies that should properly have influenced the handling of the case files and the professional standards displayed;
- 2.4 To provide a report to the Chief Executive that sets out recommendations as to any appropriate further steps. This should include conclusions on the specific case files, and recommendations on further investigatory work that may be needed in respect of other case files as a consequence of what has been found.

#### **Findings of the report**

- 2.5 In the view of the investigator, the majority of the cases A to O would be judged as 'inadequate' when measured against basic professional practice standards, particularly when outcomes for young people are included in the considerations.
- 2.6 The investigator found evidence of extremely poor practice with examples of specific practice that is at least 'adequate' and even, in a few instances, 'good' on the part of individual practitioners within some periods in cases A to O.
- 2.7 The conclusion reached is that there are insufficient grounds to proceed with any action against any individual practitioner or team manager, except in the case of Child E. The various and substantial organisational failings described by both the Jay and Casey reports were reflected in the cases reviewed and it is those very failings that make it impossible in the judgement of the investigator to mount any credible investigations into individuals who were in the operational frontline during the period in question.

- 2.8 The failings evident in the Child E case were of such magnitude that a more detailed, forensic review of that case was recommended. The investigator considered there to be at least prima facie evidence of significant culpability by at least two social care professionals.
- 2.9 The investigator further found that there was evidence that over the period in question the Council had failed to ensure that basic processes and procedures were followed by its Children's Social Care Service. In addition the investigator found examples of significant deficits in the quality of case recording, record keeping, assessments and decision making at that time.
- 2.10 The investigator was aware that the Council already had a range of action plans designed to address the areas for improvement identified by Ofsted in 2014, and to respond to the recommendations made by the Jay and the Casey reports published in February 2015. Therefore recommendations are restricted to the following:
- 2.11 That the case of Child E is referred to the Rotherham Safeguarding Children's Board for consideration as a potential serious case and that a more detailed examination of all the records pertaining to Child E is undertaken by all agencies. This is so that the Rotherham Safeguarding Children Board can determine what, if any, further action is required to address historic concerns that may continue to impact on Child E or other children in the family. This will include the need to investigate historic allegations that may not have been responded to in the past.
- 2.12 That the Council undertake a review of admission criteria and risk assessment processes in respect of the admission of young people to its residential and foster care homes to ensure that young people who pose a risk to others are placed appropriately.

### **Council response since the time period covered by the report**

- 2.13 A Children's Commissioner was appointed in October 2014 and became part of the intervention team in February 2015. In April 2016 Lincolnshire County Council were appointed as an improvement partner. An Improvement Board was established and has been responsible for overseeing the Council's implementation of its Improvement Plan for Children and Young People's Services.
- 2.14 The Improvement Board reviews service performance data and this is further tested by the sector external regulator OFSTED as it regularly monitors the impact of improvement activity on safeguarding practice.
- 2.15 These findings have also been supported by a number of peer reviews, led by North Yorkshire, Lincolnshire, North Lincolnshire and Local Government Association.
- 2.16 The Council commissioned a review of the protection afforded to Child E. This was in order to consider whether any individual could be considered culpable for failing to protect a child. This was carried out by Dr Mark Peel.
- 2.17 The investigation found that in respect of Child E, the case was indicative of the widespread systemic failure seen across the Safeguarding and Care system and as a result no one individual alone could be held culpable.

- 2.18 The Council no longer operates its own children's homes (except a short breaks home for disabled children, now rated Outstanding by OFSTED), choosing to utilise places in other good and outstanding homes and independent foster carers. In doing so, it complies with national children homes/foster care standards.
- 2.19 The Council undertook a review of admission criteria and risk assessment processes in respect of the admission of young people to residential and foster care homes to ensure that young people who pose a risk to others are placed appropriately.
- 2.20 Child sexual exploitation training is provided to all foster carers.
- 2.21 A new electronic case management system has been introduced which provides practitioners with enhanced recording opportunities and managers greater oversight of the quality and timeliness of recording.
- 2.22 Practitioners now have the capacity to record their work, benefitting from manageable caseloads and regular supervision.
- 2.23 There is a robust Quality Assurance framework in place which provides fortnightly oversight of key safety compliance activity and monthly case audits which address quality.
- 2.24 The Council has worked through a rigorous programme of practice improvement and embedded good partnership working to ensure it is compliant with latest standards, is consistent in its approach and delivery, and is tracking the impact of its interventions in order to improve outcomes for children and young people and their families.
- 2.25 The Council now channels its support for children and families who may be affected by child exploitation through a specialist team – Evolve. This consists of front line dedicated child sexual exploitation social workers and South Yorkshire police officers, health specialists and the voluntary sector. The team also offers advice to the wider workforce, particularly for those jointly undertaking risk assessments to inform the level of intervention.
- 2.26 The Council part funds the Barnardo's Reachout project an outreach scheme working with young people to help raise awareness of sexual exploitation and reduce the risk to all children but targeting those identified as being particularly vulnerable. The Council also commissions support services for adults who have previously been subject to child sexual exploitation.
- 2.27 Children and Young People's Services has significantly changed its management and leadership culture to one where senior leaders are visible and engaged in case decision making and review processes. Management supervision now extends beyond team manager level.
- 2.28 The Council has invested in additional social care staff to reduce caseloads to a level where good social practice can thrive and has introduced a new intervention methodology 'Signs of Safety' which has been proven to improve the quality of direct social work practice in other Local Authorities.

- 2.29 Departments across the Council are working together to provide a safer community for vulnerable children and adults and this is reflected in the development of a corporate safeguarding policy, led by the Chief Executive, a stronger multiagency community safety partnership and a robust response to taxi licensing arrangements.
- 2.30 The Council ensures a strategic lead for each multi-agency Operation and Complex Investigation to support the delivery of justice for the victims and survivors of child sexual exploitation. To date, joint investigations have seen 26 perpetrators of historical and current abuse being jailed for a total of 360 years.

# 3

## **Audit Investigation into the Alleged Removal of Files and Impairment of Computer Records Belonging to the Former Researcher at the Risky Business Office in the International Centre, Rotherham**

Allegations about the removal of files at the premises of Risky Business, a unit set up by the Council in 1997 to lead on its response to child sexual exploitation, were raised in October 2014, when the Home Affairs Select Committee published a report entitled 'Child sexual exploitation and the response to localised grooming: follow-up: Sixth Report of Session 2014–15'.

The files had allegedly been removed in April 2002. As a result of the report an investigation into the allegations was commissioned.

### **Terms of reference**

- 3.1 To obtain copies of all published evidence and examine them, making note of any person named as having knowledge of the alleged removal of the files.
- 3.2 To liaise with colleagues in HR to interview any member of staff named in any of the published evidence to corroborate, or otherwise, information included in the published evidence, or any comments attributed to them.
- 3.3 To contact other individuals named in the published evidence and attempt to corroborate, or otherwise, any comments attributed to them.
- 3.4 From the findings, to provide an opinion on the alleged removal of files and impairment of computer files.

### **Findings of the report and independent review**

- 3.5 Internal Audit found that there was a considerable amount of circumstantial evidence to support the allegation of the removal of files. They concluded that on the balance of probability it is likely files were removed from the Risky Business Office and computer records impaired. However, their finding is that there is no information about who might have been the culprits if this happened.
- 3.6 The allegation had been raised in 2002 within the grievance procedure, however the grievance was withdrawn and the allegation not followed up at that time.
- 3.7 The independent review of the Internal Audit work by Insight Investigations concluded that they had carried out all reasonable tests, their work was comprehensive and their conclusions accurate and reasonable.

### **Council response since the time period covered by the report**

- 3.8 The Council has improved its processes to allow for serious issues referred to in grievance cases to be assessed, even where the grievance is subsequently withdrawn through mutual agreement or the person leaves the employ of the Council.
- 3.9 Prior to this investigation, the alleged removal of information had not been referred to the relevant authorities for consideration. This has now been done. The National Crime Agency has confirmed the allegations would be a matter for the local police service and South Yorkshire Police have registered the incident.

# 4

## **Audit Investigation into Missing Minutes from Meetings of the Key Players' Group**

The Jay Report stated the Key Players' Group was in place from the late 1990s to around 2003/2004. The Key Players Group is understood to have been an inter-agency network developed by voluntary and statutory agencies. It was linked into the Risky Business project.

However, Internal Audit were unable to uncover any terms of reference for the Group, or confirm precisely its status and how it was formally administered.

The Jay Report stated that 'neither the Council nor the police were able to trace minutes of the Key Players meetings.'

In 2014 however, some minutes had been found by chance by the South Yorkshire Police as part of their enquiries.

### **Terms of reference**

- 4.1 To establish whether there were any further minutes in existence;
- 4.2 To ascertain why these minutes had not been found earlier and made available to Professor Jay; and,
- 4.3 To identify what records had not been kept and why.

### **Findings of the report and independent review**

- 4.4 The existence of the found minutes were unknown to Council staff. They were discovered by chance by the South Yorkshire Police as part of their enquiries.
- 4.5 Minutes of eleven meetings had been found, among 175 Council boxes and files held by the police.
- 4.6 Internal Audit interviewed nine people who had either been involved in the meetings or in answering Professor Jay's requests for information. This confirmed that meetings of the group had been minuted.
- 4.7 The Council had weak records management arrangements at the time of the Group's existence.
- 4.8 The Council did not have adequate arrangements in place to manage the information requests received from Professor Jay.
- 4.9 No group or person attending the meetings took responsibility for administering the group and consequently a master copy of minutes was not kept.



- 4.10 The independent review of the Internal Audit work by Insight Investigations concluded that they had carried out all reasonable tests, their work was comprehensive and their conclusions accurate and reasonable.

**Council response since the time period covered by the report**

- 4.11 The record management system for paper records has been reviewed in order to determine whether it is fit for purpose and compliant with best practice. This review confirmed the system is compliant with the Information Commissioner's Records Management Code.
- 4.12 A Revised Information Governance Policy and a Cyber Security Policy were introduced in January 2016 and staff are regularly reminded of their responsibilities. If any further information comes to light, the Council will refer it to South Yorkshire Police.
- 4.13 The Council has committed additional resource to ensure that historical Children and Young People Service' paper files are correctly catalogued for future reference.

# 5

## **Audit Investigation - Theft of 21 Laptops from Norfolk House, Rotherham: 26th October 2011**

### Review of the Council's Response

An investigation into the theft of laptops from Norfolk House, Rotherham in 2011, the Council's reporting and disclosure of information about that matter and also its response to media enquiries. This matter was referred to in the Casey Report published in February 2015.

#### **Terms of reference**

- 5.1 To establish the history of the missing laptops as known by the organisation to date
- 5.2 To review what connection there has been with the issue of child sexual exploitation
- 5.3 To identify what actions were put in place by the organisation
- 5.4 To establish the history and timeline of recent developments in relation to the media and what light it sheds on past events.

#### **Findings of the report and independent review**

- 5.5 The Council did not handle the matter well. Action was taken at the time to reduce the likelihood or minimise the effect of any further incident. However, a full back-up of the information held on the laptops was not taken; the Information Commissioner was not informed of the incident; that decision was not recorded; and the Council was less than helpful in responding to Information Commissioner, press and public enquiries – responses were not always complete and instructive and did not give full explanations of events.
- 5.6 The audit found no factually inaccurate statements made by the Council.
- 5.7 The independent review of the Internal Audit work by Insight Investigations concluded that they had carried out all reasonable tests, their work was comprehensive and their conclusions accurate and reasonable.

### **Council response since the time period covered by the report**

- 5.8 The Council reports all significant incidents of data security breaches to the Information Commissioner.
- 5.9 All staff across the Council are regularly reminded of their data security responsibilities and process to report incidents via a number of accessible channels.
- 5.10 Incident statistics are provided to the Corporate Information Governance Group on a regular basis for review, and any risks are transferred to the Council's risk register for appropriate action.
- 5.11 The Council has an E-Learning Training Tool for all employees. The Council provides a data protection and data security package, which is annually reviewed in line with standards and legislation.
- 5.12 The Council fully supports the open transparency agenda, and publicises information where possible. In the event where specific information has not been publicised then the Council has a Freedom of Information request process to allow the public to request information that is legally available to the public.

# 6

## Report into Rotherham Taxi Licensing and Enforcement Service 2010 to 2015: John Riddell, Partner, Weightmans LLP

Within the “Report of Inspection of Rotherham Metropolitan Borough Council” following the Corporate Governance Inspection, Louise Casey made particular reference to the ‘weak and ineffective arrangements for taxi licensing which leave the public at risk’.

The investigation was commissioned to review the performance, practice and conduct of staff involved in taxi licensing activities referred to in the Casey Report of February 2015 and in a follow up letter to Interim Chief Executive, Jan Ormondroyd after the report’s publication.

### Terms of reference

- 6.1 To prepare a framework report to establish the relevant practice and professional standards in respect of taxi licensing across the period referred to in the Report (the “Relevant Period”);
- 6.2 To establish and agree a list of those members of staff who may have held responsibility for Rotherham’s taxi licensing function and to identify their individual role (or absence of) as well as their collective responsibilities, actions and failings across the Relevant Period;
- 6.3 Identify and, if possible, interview current employees to establish the facts necessary to form conclusions relevant to the matters at (a) and (b) above.
- 6.4 To review available relevant documentation such as reports, minutes of meetings, performance inspection reports, plans and strategies relevant to the matters at (a) and (b) above.
- 6.5 To provide a report to Rotherham that sets out conclusions and recommendations to include any further steps to ensure human resource actions are taken where appropriate. This should include findings about the actions or inactions of current employees, and recommendations on whether disciplinary or capability procedures should be considered.

### Conclusions and recommendations of the report

- 6.6 *There was a good deal of intelligence which suggested that elements of the taxi trade were heavily involved in CSE in Rotherham.*
- 6.7 *Effective action was never taken because the enforcement function was ineffective.*
- 6.8 *A major reason for this was the decision to take the enforcement function out of the main licensing unit in 2008 and to divide the three enforcement officers between three geographical regions. The enforcement officers predicted difficulties and although they were co-located for three years were found to be correct.*
- 6.9 *The senior managers responsible for enforcement, Dave Richmond and Mark Ford, were not aware of the full extent of the problem with CSE and the taxi service.*

- 6.10 *Given the amount of circumstantial evidence surrounding CSE, they should have made further enquiries which might well have revealed the problem and deficiencies in enforcement. There were mitigating factors for this failure. In the case of Dave Richmond he did not know the full extent of the problem, the Matt Gladstone review was not in his hands, he took pro active steps where he was aware of problems such as those detailed in paragraph 17 above and was an extremely busy officer managing a very large service which included taxis amongst many others. In the case of Mark Ford he also had no direct knowledge of the full extent of the problem and also took proactive measures where he became aware of difficulties. Dave Richmond and Mark Ford are no longer employed by Rotherham MBC. For the reasons set out above I do not believe that disciplinary measures would have been appropriate but they should be made aware of my concerns.*
- 6.11 *The officer who did the most to address all the issues was Individual 64. She was not directly responsible for enforcement, but raised concerns about the links between the taxi service and CSE and deficiencies in the enforcement side. She also repeatedly raised other legitimate concerns.*
- 6.12 *Individual 64 did not always follow through her actions. She should receive advice on this issue. Individual 64 is no longer employed by Rotherham MBC. Once again I do not believe that these matters would have justified further disciplinary action but she should be made aware of this concern.*
- 6.13 *The taxi licensing management department suffered difficulties with a divided site, staff shortages and staff absence. Alan Pogorzelec, as the manager ultimately responsible, should receive advice on how to deal with issues of this kind. Once again I do not believe that the matter is sufficient to justify disciplinary action but he should be made aware of the concern.*
- 6.14 *There are concerns but no firm conclusions about the behaviour of Councillor Akhtar and if he was still a member I would recommend that he be investigated for these matters under the Authority's Code of Conduct.*
- 6.15 *I have identified individual failures but there was a collective failure by licensing enforcement and management to confront the problem.*
- 6.16 *The problems identified by Ms Casey have been addressed by Commissioner Ney.*

### **Council response since the time period covered by the report**

Actions to address the issues raised within the report were led largely by Commissioner Ney, with the engagement and support of the Council's licensing committee:

- 6.17 The Council has agreed a new robust taxi licensing policy, which has been introduced and enforced. This Council is now sharing its learning with other Local Authorities. The new policy has;
- 6.18 Ensured that, in addition to information about convictions, due consideration is given to the record of the driver, any complaints, the driver's honesty and other information from the police and/ or other agencies, including safeguarding matters.
- 6.19 Enabled the Council to suspend a driver should a historical conviction come to light, even if it is more than five years old, if it was sufficiently serious.

- 6.20 Been applied to all existing drivers, with records audited.
- 6.21 Meant that all existing drivers have taken part in safeguarding awareness courses and all new drivers must undertake this training.
- 6.22 Meant that all Rotherham taxis are now required to have taxi cameras with audio and video facilities.
- 6.23 Significant engagement on the reforms with members of the taxi trade has taken place.
- 6.24 The enforcement and management functions of taxi licensing are now under one manager, to ensure a joined-up and efficient approach.
- 6.25 The Council now has strong working relationships, reporting mechanisms and supports the enforcement activity with the relevant authorities.
- 6.26 Further training and advice has been provided to staff by the Council, as part of its ongoing programme of improvement.
- 6.27 The Council has reformed the way in which the licensing sub-committee hears individual cases and how any subsequent appeals to the Magistrates Court are progressed.



