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25th September 2014

Clive Betts MP
House of Commons
LONDON
SW1A 0AA

Dear Mr Betts

Child Sexual Exploitation in Rotherham

Thank you for your recent letter asking for my further comments on a number of matters. These are set out below.

My knowledge of the Council dates back to the very end of 2009 when I took up my current post. I did not have any prior knowledge of the Council, and am not able to make any realistic contribution to commenting on events over a time period that commenced some 12 years before my arrival.

I met my immediate predecessor on one occasion only for a hand-over meeting and had no previous or subsequent professional contact. My thoughts on arriving at the Council and based on subsequent experiences were:

- There were many officers and members that were entirely polite and professional in their demeanour, but there were some who did not have the same standards.

- I set out early and clearly the behavioural standards I expected from Officers and also arranged training at a senior level to ensure that constructive challenge could be made appropriately and effectively.

- I worked with the Leader and Cabinet to encourage teamwork. I had found that where there should have been collaboration on corporate matters (such as the budget for example) there had been competition. What I mean by that is politicians generally sought to protect their areas of responsibility rather than collectively agreeing on key priorities. This changed and I found stronger teamwork over the last few years.
I worked with Members and officers to provide a sharper focus on priorities and to ensure that this guided the resource allocation process. Amongst other things this led to early financial investment in children’s safeguarding services for example. At the time of joining the council I recollect that spending on children’s services was very low in comparison to statistical neighbours.

I have always ensured proper officer advice has been provided to members and that senior officers were always equipped and supported to “speak truth to power.”

At operational level partnership working within Rotherham was and remains sound. There have been challenges, largely associated with the dominance of a particular personality within the Council who at times could be very direct. But, such matters have never impeded progress.

I worked with other Senior Officers to move to a stronger empowering approach with staff to release more of their talent and this was well received.

Council services since my arrival have been delivered against a backdrop of very significant financial efficiency requirements on a scale that would not have been a feature of the operating environment between 1997 and 2010.

An evidence base has always been provided to support key decisions. On occasion a decision may have been taken through proper governance routes where a broader set of considerations has overlain the evidence.

I felt in some areas the Council was not as self-aware as it might have been and encouraged it to look beyond its boundaries for examples of good practice.

None of this should be taken as implied criticism. Most organisations change over time, and fresh priorities and issues will emerge. I have worked collaboratively to change and improve some things based on political and managerial priorities and during the last four years a significant element of this has been driven by national fiscal reduction. Equally there are still things that need to improve and change in the future. I apologise that my knowledge of the history of the council is not more extensive but hope this is helpful.

**Commissioning of the Inquiry**

I had a role in commissioning the Independent Inquiry but was not the sole instigator. My recollections of the decision taking route and my role are as follows:

- The Times newspaper published an article on or around the 23rd August 2013 relating to the experiences of a young female who had suffered child sexual exploitation in Rotherham some years earlier, 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 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 wholly 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.
I have since learned that a Cabinet Member had given similar advice and continued to do so firmly over a number of days, and that others were also giving similar advice.

The final agreement to recommend to the Council that an independent examination be commissioned was taken during a telephone conference between the Leader, a Cabinet Member and me during which we each advised the Leader an independent examination was necessary. The Leader accepted that advice. The date of this would have been approximately 7 to 10 days following the publication of the newspaper article.

The matter was then referred formally to Cabinet for decision.

It is important to record that following a police investigation no evidence was found to bring criminal charges regarding the senior politician who had been named in the newspaper article.

**Disciplinary Considerations**

In the context of disciplinary actions regarding events that might come to light some years after a period of office I believe arrangements which are founded on the principle of establishing some form of "wilful" act are appropriate. I say this because:

- Few people ever rely on single information sources and will often revert to multiple sources which require evidence to be balanced, including contradictory sources.

- Whilst there is generally a single identified decision taker, there would be circumstances when there would be contributing evidence, information and opinion such as that obtained in management team meetings or other collective discussions such as council committee meetings.

- Reviewing historical events always needs to consider the political, social, economic, policy and technological environment of the time, which may be very different to the circumstances that exist at the time of the review.

- Events, issues, challenges that are emerging can often have far less visibility during the formative stages than many years later. There can be many reasons for this such as insufficient information being available to establish trends, patterns or geographical and situational information, or technology being less advanced.

- Establishing visibility of issues is also important. The Jay report uses a stark cumulative figure extrapolated over a 16 year period and totalling 1,400 young people. This is an extremely grave and distressing picture. As the figure is an extrapolation the author advises it should be used with caution. What we know is that the scale of visibility today is different. We are currently working with about 150 young people displaying varying levels of risk indicators of child sexual exploitation, of which we have serious concerns about a far smaller proportion. In the section on scrutiny below, I outline the visibility of CSE as presented in a 2006 report.

**Whistleblowing**

I have attached a copy of the Council Whistleblowing policy that operates today and you will see it was updated as recently as June 2014.
Council records demonstrate the operation of a Confidential Reporting Code since 2005, at least. The Policy is the responsibility of the Council's Monitoring Officer and is reviewed annually by the Council's Standards Committee.

The following complaints have been noted in the reports to Standards Board/Committee

- 10th February 2005, 6 complaints noted in the report
- 13th July 2006, 3 complaints noted in the report
- 10th April 2008, 4 complaints noted in the report
- 11th February 2010, 1 complaint noted in report
- 14th April 2011, 1 complaint noted in report
- 12th June 2014, 1 complaint noted in the report

**Scrutiny**

The Overview and Scrutiny functions was introduced in shadow form in Rotherham in 1999, and formally constituted in 2001. There were five panels which largely mirrored the previous committee structure with close alignment to departmental service areas. There was some amendment to structures in 2005 to reflect the changes brought in by the Children Act (see below). A specific Children and Young People's Services Scrutiny Panel was established in 2005. The terms of reference for the remaining panels were reviewed to ensure that they reflected legislative changes for example health scrutiny powers.

The current arrangements were introduced following a review of scrutiny arrangements in 2011. Since May 2011, the structure of Overview & Scrutiny in RMBC is as follows: an overarching Overview & Scrutiny Management Board, with four overview and scrutiny select commissions. Each of the Commission Chairs and Vice-Chairs are appointed from the Majority Group, and there are three opposition members who sit on the Board.
Improving Lives Select Commission's terms of reference include:

- The Every Child Matters agenda
- Early intervention/prevention agendas
- Other cross-cutting services provided specifically for children and young people
- Employment and skills development.
- Non-health related adult social care

The statutory regulations enable scrutiny at three levels. Firstly by calling-in decisions taken by the executive, reviewing those decisions and making recommendations for the executive to consider. Secondly, by examining and advising on policy development in its formative stages and in advance of recommendations being considered by the executive. Thirdly, by examining a topic or issue in detail replicating the Government's Select Committee approach and advising the executive on appropriate action it should take.

The work of the Children and Young People's Services Scrutiny Panel focussed on a number of different safeguarding issues including domestic abuse, anti-bullying work, road safety outside schools and corporate parenting.

There were two specific referrals to Children and Young People's Services Scrutiny Panel in September 2006 and October 2008 which focussed on the action taken to address sexual exploitation. The 2006 report states that there were 78 referrals to Risky Business of which 15 were in the “top two threshold of need... with four... considered to be particular risk”

The second report “Impact assessment of sexual exploitation action plan” (31 October 2008) highlighted that there had been 118 front desk contacts of which 59 had been referred to Risky Business. Of these 2 were subject to child protection plan with sexual exploitation is a factor.

Members noted that there would be a further opportunity to discuss the detailed implementation of the Action Plan during the visits to the Locality Teams in December 2008.

The Council now routinely refers information regarding sexual exploitation to Cabinet and other forums and the information is placed on the Council's website. Decisions taken by Cabinet are available to be called-in.
Resource plan

The Resource Plan will need to have a number of elements to it and will require sign-off by the newly formed Rotherham Improvement Board which has a number of independent experts who will assist the Council with its forward improvement journey. In particular there are a number of things that need to be delivered and which are inter-related. These are:

- Implementing the recommendations of the Jay report
- Undertaking further investigatory work and dealing with any staffing implications that might flow from it.
- Responding to any requirements that might flow from a current Ofsted inspection of safeguarding services within Rotherham
- Responding to any requirements of the Corporate Governance Inspection shortly to start within Rotherham.

I anticipate that the initial stages of the plan will be available shortly, and will let you have a copy, but it will need to be amended to reflect the current and expected inspections of services. The Council has already identified independent expertise that will be commissioned to undertake a review of professional practice during the Jay years.

System interface

There are a number of areas that should be considered for improvement. Some are identified within the Jay report and I shall not repeat them. Others include:

- Systems compatibility between organisations and the limitations this places on data sharing. Generally systems within organisations speak to each other. But interoperability between organisations can be far more problematic.
- There are no national data sets and this prevents comparison between areas and a broader analysis of how events unfold.
- The victim journey from the point of disclosure, through pre-trial, trial and into post-trial support requires to be simplified. The primary focus should be to meet the needs of the victim and might prevent challenges for the interface with the criminal justice system. Some victims are very young, and formal criminal processes may need to be re-designed to reflect that.

I hope these comments are helpful. I know you have written to Mrs Thacker also, and that a separate reply is being sent to you.

Yours sincerely

[Signature]

Martin Kimber
Chief Executive
Confidential Reporting Code

LEGAL AND DEMOCRATIC SERVICES
June 2014

Reviewed and updated in line with the British Standards PAS1998:2008 “Whistleblowing Arrangements Code of Practice”
Confidential Reporting Code

1. **Introduction**

2. **Aims and Scopes of this Policy**

3. **Anonymous Allegations**

4. **Confidentiality**

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6. **Untrue Allegations**

7. **How to raise a concern**

8. **How the Council will respond**

9. **The Responsible Officer**

10. **How the matter can be taken further**

**Appendix 1: Anti – Fraud Strategy – Statement and Procedures**

1. **INTRODUCTION**

1.1 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.2 Employees are often the first to realise that there may be something seriously wrong within the Council and have a duty to report such matters. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. However, employees should not simply ignore their concerns.

1.3 This policy document makes it clear that employees can come forward and express their concerns without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting policy is intended to encourage and enable employees to raise serious concerns within the Council. Employees will be commended for raising concerns within the Council rather than overlooking a problem or "blowing the whistle" outside.
1.4 Managers should take into account the translation and interpretation needs of the individual. This Code can be made available in other languages and formats on request.

1.5 The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council.

1.6 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some Departments.

1.7 This policy has been discussed with the relevant trade unions and has their support.

2. **AIMS AND SCOPE OF THIS POLICY**

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment including any breach of the Council’s Equal Opportunities Policies or bullying and harassment. Any disclosure relating to your own contract of employment, is not covered by the this Code, unless that disclosure can be said to be in the public interest. The Confidential Reporting Code is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures relating to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption\(^1\)
- sexual or physical abuse of clients, or
- other unethical conduct\(^2\)
Confidential Reporting Code

1 The Council's policy statement on fraud is appended.
2 Employees should make themselves familiar with the Code of Practice on Official Conduct.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

3. ANONYMOUS ALLEGATIONS

3.1 This policy encourages you to put your name to your allegation whenever possible.

3.2 Concerns expressed anonymously are much less powerful and more difficult to investigate, however, these will still be considered but will be assessed on the:

- seriousness of the issues raised
- credibility of the concern; and
- likelihood of confirming the allegation from attributable sources.

4. CONFIDENTIALITY

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5. SAFEGUARDS

5.1 Harassment or Victimisation

5.2 The Council is committed to good practice and high standards and wants to be supportive of employees.

5.3 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
Confidential Reporting Code

5.4 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest. Colleagues or agents acting on behalf of the Council should not harass or victimise you because you have made a disclosure.

5.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any other employment procedures that already affect you.

5.6 The Public Interest Disclosure Act 1998 gives legal protection to employees who disclose information, in the public interest, about alleged wrongdoing.

6. UNTRUE ALLEGATIONS

6.1 If you make an allegation in the public interest and with reasonable grounds, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. HOW TO RAISE A CONCERN

7.1 You should raise concerns with the Director of Legal & Democratic Services, Director of Human Resources or the Chief Executive. Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:

- please mark envelope “to be opened by addressee only”
- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

7.2 The earlier you express the concern the easier it is to take action.

7.3 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.4 Obtain advice/guidance on how to pursue matters of concern from the Director of Human Resources, Director of Legal & Democratic Services, the Chief Executive or the Chairman of the Standards Committee.

7.5 You may wish to consider discussing your concern with a colleague or your trade union first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.6 You may invite your trade union, professional association representative, work colleague or a friend to be present during any meetings or interviews in connection with the concerns you have raised.
Confidential Reporting Code

8. **HOW THE COUNCIL WILL RESPOND**

8.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be investigated by the Council's Standards Committee if the complaint concerns an Elected Member
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection issues) will normally be referred for consideration under those procedures.

8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

8.5 Within ten working days of a concern being raised, the person to whom it is expressed will write to you:

- acknowledging that the concern has been received
- indicating how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place and if not, why not.

8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union, professional association representative, work colleague or a friend.

8.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required
Confidential Reporting Code

to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

8.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will keep you informed of developments every twenty-eight days and the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

9.1 The Director of Legal & Democratic Services has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council. All officers dealing with concerns raised under this procedure will submit reports on these concerns and of the outcomes to the Director of Legal & Democratic Services.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, then you can request the Director of Legal & Democratic Services to refer the matter for consideration by the Council's Standards Committee. If, having exhausted all internal processes, you feel it is necessary to take the matter outside the Council, the following are possible contact points:

- KPMG (see footnote 1 below)
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police

10.2 You are advised that disclosure to the press is not encouraged and will not normally be legally protected.

Footnotes

1. KPMG can be contacted by post, telephone or email:

Stephen Clark or Rashpal Khangura
KPMG (Regional Office)
St. James Square
Manchester

Telephone 0161 2464281 or 0113 2313396
Confidential Reporting Code

e-mail: Stephen.clark@kpmg.co.uk
or Rashpal.Khangura@KPMG.co.uk
CONFIDENTIAL REPORTING CODE

APPENDIX 1

ANTI-FRAUD STRATEGY - STATEMENT & PROCEDURES

The Council is committed to the proper accountability of public funds and condemns all actions that are of a fraudulent and corrupt nature. As part of this commitment to public accountability the Council expects that:

1. Members

   Shall fulfil their duties in accordance with the requirements of “the Council’s Code of Conduct for Members and Co-opted Members”.

2. Employees

   Act in accordance with the Code of Official Conduct as issued to employees and contained in the Local Conditions of Service.

   Declare to their line manager any other form of employment in addition to their function within the Council. The details are to be entered in the "Departmental Register of Interests Declared by Employees", copies of which are held in each Department.

3. Members and Employees

   Protect public interest and confidence as the over-riding factor when decisions are to be made in relation to matters that involve an element of private interest. Where doubt exists over the correct procedure, advice should be sought from the appropriate Director.

   When making decisions regarding public appointments or recommending individuals for awards or benefits, both monetary and otherwise, that the decision taken is based purely on merit in accordance with defined guidelines.

   Be accountable to the public for their decisions and actions including subjecting themselves to whatever scrutiny is appropriate to their office. To openly give reasons for their decisions and actions except in cases where the wider public interest requires a restriction of such information.

   Declare any private interest which is relevant to their public duties by making an appropriate entry in the Register of Interests. Private interest is defined as both of a monetary and non-monetary nature, where the interest might be perceived by the public to influence the decision making process.

   Make decisions solely in pursuance of the Council’s statutory functions and declared policies at the exclusion of private and personal interest.

   Comply with the Financial Regulations and the Standing Orders of the Council at all times.
Confidential Reporting Code

Award contracts in accordance with the Council's Financial Regulations and Standing Orders and that successful tenderers are selected in accordance with defined guidelines relating to the evaluation of contracts.

Avoid placing themselves under any obligation to external individuals or organisations that may influence, or be perceived to influence them, in the performance of their duties.

Accept offers of hospitality and gifts only in cases where it can be readily justified on the basis that by accepting the offer the Council will derive direct benefit from such actions. All offers of hospitality and gifts that are accepted must be entered in the Register of Gifts, Legacies and Hospitality.

(Reviewed June 2014)