Embargoed – not for publication before 00.01 on Friday, December 12.

# SOUTH TEES LOCAL SAFEGUARDING CHILDREN'S BOARD

SERIOUS CASE REVIEW Executive Summary

OVERVIEW REPORT
Re RM

23 November 2008

**Author: Jack Blackmore** 

#### 1. The Review Process

Background to the review

- 1.1 Following investigation of allegations of sexual assault RM was arrested on 26 February 2008 and charged with offences relating to two youths. The following day the investigation was declared a major incident (Operation Presley) and offences against eight boys and youths were uncovered.
- 1.2 RM was charged with 28 offences. He pleaded guilty to a specimen number including attempted rape and other sexual assaults. RM was sentenced on 20 September 2008 at Teesside Crown Court to an indefinite term for public protection in prison, with the stipulation that he serve a minimum of seven years before he may apply for parole.

- 1.3 RM had previously been sentenced for similar offences by Hull Crown Court on 22 February 1993. He had been sentenced to 18 months imprisonment of which he served nine months.
- 1.4 During the course of the investigation concerns emerged that that organisations involved with RM may have failed to carry out proper Criminal Record Bureau (CRB) checks. If these had been carried out properly RM's criminal past would have been revealed and he would not have been able to operate as he did.
- 1.5 The Chair of the South Tees Local Safeguarding Children's Board (LSCB) approved a decision to hold a Serious Case Review (SCR) on 2 April 2008.

#### Terms of reference for SCRs

- 1.6 Chapter 8 of *Working Together to Safeguard Children* sets out the purpose and process of Serious Case Reviews. In this case the following criteria were met:
  - Children were subjected to particularly serious sexual abuse; and
  - The case gives rise to concerns about inter-agency working to protect children from harm.
- 1.7 The purpose of SCRs is to:
  - Establish whether there are lessons to be learned from the case about the way in which local professionals and local and national agencies work together to safeguard and promote the welfare of children;
  - Identify clearly what those lessons are, how they will be acted on, and what is expected to change as a result;
  - As a consequence, improve inter-agency working and better safeguard and promote the welfare of children.
- 1.8 This review is unusual in that its primary focus is upon the predator and the way in which he was able to operate, rather than upon individual children in their families.

#### Contributors to the SCR

- 1.9 Single Agency Review Reports were produced on behalf of the police, the NHS and the Children, Families and Learning (CFL) Dept of Middlesbrough Borough Council. These were produced by experienced professionals with no previous involvement in the RM case.
- 1.10 An independent consultant in social work, Jack Blackmore, was commissioned by the LSCB to write an Overview Report. Jack Blackmore qualified as a social worker in 1977. Since that time he has worked in child protection as a social worker and in management roles in a number of authorities. He was the Head of Social Services and in 2003-05 Director of Social Services, Housing and Public Protection for the East Riding of Yorkshire.
- 1.11 The purpose of the Overview Report is to

- Bring together and draw conclusions from the information and analysis in the Single Agency Reports
- Make focused and specific recommendations capable of being implemented.
- 1.12 The author of the Overview Report drafted this Executive Summary. It summarises the key issues arising from the case and lists all the recommendations contained in the Overview Report.

# 2. Summary of the facts

- 2.1 RM was sentenced at Hull Crown Court to 18 months in prison on 22 February 1993 for five offences of indecent assault and two of taking indecent photographs of children. RM had gained access to the children through his role in the Scouts. Both the offences and the manner in which RM operated under the cover of a credible organisation have close similarities with those in Middlesbrough. RM was released from prison after serving nine months, in November 1993.
- 2.2 Although there appear to be no Probation records he would have been supervised under licence at that time, having been sentenced to more than 12 months in prison.
- 2.3 In 2001 RM was employed as a trainer of adults with Fullard in 2001, a role for which he did not have to produce a CRB check. When Pertemps took over Fullard in 2003 RM was successful in applying for a role as trainer in that organisation. Again he was not asked for a CRB check, although the new role enabled him to work with young people as well as adults.
- 2.5 RM appears first to have gained access to work with children in Middlesbrough when he was introduced to Unity City Academy (UCA) by his employer Pertemps in February 2005. He provided a range of 'training and development' activities for young people. On leaving Pertemps amicably later that year RM set up Dragon House Training (DHT) as a sole trader and worked directly for UCA and later Marton Grove School (MGS).
- 2.6 DHT was set up by RM to provide a range of out of school activities designed to engage young people. He had spotted a 'gap in the market'. His working class background, a period in care, and time in the navy may have helped him establish a rapport with young people from the more deprived areas of Middlesbrough, whom teachers were struggling to engage in formal education.
- 2.7 RM registered DHT as a limited company until 26 July 2006. As director of a legitimate business RM was without formal supervision. The requirement for CRB checking only applies to employees.
- 2.8 He then applied (either directly or through committees of young people and parents) for grants from a number of sources including the *Big Lottery Fund*, Tees Valley Foundation, *Youth Opportunities Fund (YOF)* and major and small grants at Middlesbrough Council (MC).

- 2.9 DHT methods of conducting their business were as follows. DHT staff met with young people to ascertain their views on the sort of activity based training courses they would be interested to participate in. DHT then devised a variety of projects. The projects were funded through *YOF* grants which were applied for by the groups of young people themselves. DHT's methods followed closely the national delivery guidance for *YOF*. DHT managed the funds awarded to young people and with these purchased services from a variety of private and independent providers on behalf of the young people.
- 2.10 Between July 2006 and February 2008 RM coordinated services through DHT to more than 200 young people aged 11-19 years. In total 14 successful *YOF* applications were made by groups of young people for specific projects facilitated by DHT.
- 2.9 Pertemps and UCA each failed to request a CRB check from RM. The Council's Voluntary Sector Liaison & Grants Team, Marton Grove School, Grove Hill Youth and Community Centre all requested a CRB from RM but in each case accepted a photocopy of a forged document. On checking the policies and guidance of all of these organisations it is evident that these were not specific enough about the requirement to see the original documents. (There are five 'disclosure security features' that can be used to verify whether CRB documents are genuine; these would be extremely difficult to forge).
- 2.10 It is also clear that DHT did not carry adequate insurance. DHT also subcontracted some activities, making adequate controls difficult to achieve. In future it will be explicit that subcontractors must be subject to the same standard of vetting (CRB checks plus other relevant checks) as the contractor.
- 2.11 Following investigation of allegations reported earlier that month RM was arrested on 26 February 2008 and charged with offences relating to sexual assault on two youths. The following day the investigation was declared a major incident (Operation Presley) and offences against eight boys and youths were uncovered (see 1.1 and 1.2). There appear to have been no complaints or allegations made against RM until that time.

# 3. Key findings

#### Supervision in the community

- 5.1 RM was discharged into the community in November 1993. Although there appear to be no records either at Humberside or Teesside Probation (records may be deleted after a period) he would have been supervised under licence at that time, having been sentenced to more than 12 months in prison.
- 5.2 Requirements are now more stringent. RM had been sentenced to 18 months in prison in 1993. Firstly, Section 82 of the Sexual Offences Act 2003 (implemented in all areas by April 2005) now requires offenders imprisoned for more than 6 but less than 30 months to register with the police for 10 years.
- 5.3 Secondly, under new Multi-Agency Public Protection Arrangements (MAPPA) RM would be subject to Probation supervision in the community, have to reside as directed and have his whereabouts monitored for the duration of his license.

His license might also include conditions such as not to have contact with children under the age of 18.

5.4 This is of no comfort to victims of RM, but it does provide assurance that arrangements for monitoring and managing sexual offenders have been significantly strengthened. On the other hand RM was not detected in offending for over 10 years after discharge. Formal safeguards have their limits. Vigilance by agencies and by the general public remains essential.

### Policies and practice in relation to CRB and other checks

- 5.5 RM made the transition from working as a trainer with adults to working as a trainer with children without being required to produce a CRB check. The national CRB apparatus has been set up at great expense. This case shows how easy it can be for a determined and manipulative sexual offender to evade the process *unless* it is operated with rigour and attention to detail.
- 5.6 All organisations, including independent agencies such as Pertemps should operate to the same standards. Are their policies and guidance clear? Are the people nominated to undertake the task of checking CRBs trained in the requirements? And is the policy clear that *only* those nominated on behalf of the organisation and trained in the requirements should undertake the CRB checks? Lastly, is the operation of the policy in practice monitored? These points are equally relevant for organisations providing services for vulnerable adults.
- 5.7 The case has highlighted the need for agencies that commission services (most obviously schools, in this case, but others too) or award funding (eg the Council's Voluntary Sector Liaison & Grants Team) to review their policies and procedures in other respects, including adequate public liability insurance.
- 5.8 This case also has potential lessons for national agencies that distribute funds and accredit 'providers of regulated services'. There may be a need to review policies and guidance (in the case of the *Youth Opportunities Fund*, for example) and procedures (in the case of the *Big Lottery* for example).
- 5.9 All Middlesbrough local authority schools have been inspected under the current Ofsted (2005) framework; safeguarding procedures have been found to meet statutory requirements in each case. It may be appropriate to review the inspection checklist in the light of these events (and in the light of 5.6 above).
- 5.10 In October 2009 a new 'Vetting and Barring' system is scheduled for implementation under the Safeguarding Vulnerable Groups Act 2006. The vetting process will be centralised and integrated under an Independent Safeguarding Authority. The Act provides that there will be a 'children's barred list' for those who are barred from 'engaging in regulated activity with children'. "Regulated activity includes work (paid and unpaid) which involves close contact with children or vulnerable adults".
- 5.10 These changes will increase the pressure on providers of all forms of children's services to improve their safeguarding arrangements. In Middlesbrough preparation for the new requirements provides an opportunity to review and strengthen all the local arrangements.

## Recommendations

#### Directorate for Children, Families and Learning

1. In addition to the specific recommendations for schools, for the Voluntary Sector Liaison & Grant Team and for Family Services, the DCFL should lead a review of safeguarding arrangements on behalf of the Council as a whole, using the findings of this review and the opportunity to prepare for the introduction of 'Vetting and Barring'. (Action by end October 2009)

# Schools and DCSF support for schools

- 2. Schools commissioning services for children from other providers should secure in writing the name and CRB reference number of individuals who will work with children and vulnerable adults. Subcontracting of provision should be explicitly subject to schools checking and approval process. (Action by end December 2008)
- 3. Head teachers and governors should ensure that safeguarding policies and procedures of the school are up to date and followed at all staff levels. They should be reminded about the potential for governors to have conflicts of interest, and how these should be addressed. (Action by end January 2009)
- 4. Where parents or other non-school staff are involved in working together on projects, committees or activities head teachers and governors should ensure that they are all aware of the school's safeguarding policy and procedures. (Action by end January 2009)
- 5. The Local Authority should review its guidance to head teachers and governors on safeguarding in the light of these findings as a matter of urgency, to include public liability insurance and risk assessments. (Action by end January 2009)
- 6. The Local Authority should designate a senior officer to be the point of contact for advice and guidance on safeguarding for head teachers and school staff. This is in addition to the specialist Child Protection Officer. (Action by 1<sup>st</sup> April 2009)
- 7. The Local Authority should conduct 'safeguarding reviews' with a sample of schools on an annual basis and use the outcomes in its regular review of guidance and support. (Programme to be in place for April 2009)

## Administration of grants to providers of children's services

- 8. The Local Authority should implement and monitor revised policy and procedure regarding grant applications that addresses all aspects of safeguarding. (Immediate effect)
- 9. The Local Authority should ensure that the policy and procedure include agencies applying for grants, as well as placing an obligation on those agencies

to ensure any service they commission will meet the same safeguarding standards. (As above)

- 10. The Local Authority must ensure that the policy and procedure requires that original CRB disclosure forms are always be seen when there is a requirement to provide one, these must be recent (dated within preceding 3 month period), and have enhanced disclosure status before approved funds are released. The name and CRB reference number on any documentation provided must be verified, and the security features on the documentation checked. (As above)
- 11. The Local Authority should ensure a minimum standard regarding public liability insurance should be in place when this is a requirement. (As above)
- 12. The Local Authority should ensure that the criteria checklist includes the requirement to produce documents when necessary in relation to training/qualifications. (As above)
- 13. The Local Authority must ensure that checks are made with the ISA when it comes into place in 2009 when adults will be working with young people or vulnerable adults. (October 2009)

## The South Tees Local Children's Safeguarding Board

- 14. The Board should write to Pertemps requesting that the organisation revise its policies and procedures to specify 1) that a CRB check at the appropriate level must always be sought; and 2) that it will only be vetted by named and trained administrators who know exactly what to look for. It should ask for this to be completed, and for confirmation that arrangements are in place for implementation and monitoring. It should ask for the results of the independent Ofsted inspection. (Action by the Board by end November; by Pertemps by end December 2008)
- 15. The Board should write to the Commission for Social Care Inspection (CSCI) and the Middlesbrough Area Adult Protection Committee to inform them of the findings of this report. (Action by end of December)
- 16. The Board should consider writing to the Policy Manager of the National Youth Agency, to express its concern regarding the lack of reference to safeguarding in its Guidance regarding Youth Opportunity Funds. (As above)
- 17. The Board should write to the Lottery Commission asking for the outcome of their review on safeguarding checks in processing bids. (As above)
- 18. In submitting this review to Ofsted, that the Board ask Ofsted to consider whether it needs to review how it assesses schools' safeguarding arrangements. (As above)