

Report by an Independent Investigator into the complaint made
by **Name Redacted** through Warren & Allen Solicitors on
behalf of **NO-A43** (**DPA 83**).

20.3.95

The report endeavours to address the following complaint raised by **Name Redacted**

1. **Statement of Complaint by the Complainant and the Desired Outcome**

The complaint is as follows:-

NO-A43 is in care at **DPA** and is at risk from another resident at that home.

The desired outcome is:-

That the other resident, Child one, should be moved from **DPA**

2. **Summary of the Progress of the Investigation**

I received the complaint papers on 28.10.94, having discussed the background to the complaint with John Charles, Representation and Complaints Officer on 6.10.94. I had a meeting with Anne Jenkins Independent Investigator acting as mentor on 4.11.94 and commenced the investigation on 14.11.94. It was acknowledged two weeks into the investigation that I would not be able to complete the investigation within the prescribed time limits, due to the problems I had arranging a meeting with **Name Redacted** and the annual leave over the Christmas period. This was acknowledged at the meeting with **Name Redacted** who was agreeable to the extension. I have interviewed all the people who I wished to see and have access to all the necessary documentation in order to complete my investigation.

3. **List of Interviewees/Documents Seen**

- 14.11.94 Paul Bohan, Service Manager, East District.
- 16.11.94 Janet Smith, Keyworker, **DPA** Childrens Home.
- 16.11.94 **NO-A43** Child, **DPA** Childrens Home, subject of complaint.
- 13.12.94 Sue Ounsworth, Social Worker, **Mansfield District Office**.
- 22.12.94 Jane Hallam, Unit Manager, **DPA** Childrens Home.
- 10.1.95 Parminder Dhanjal, Senior Social Worker, West District.
- 11.1.95 **Name Redacted**, the Complainant.
- 18.1.95 Mike Stone, Child Protection Co-ordinator, East District.

Documents Seen:-

- Minutes of Case Conference, re: Child one, 10.12.93**
- Minutes of Case Review/Child Protection 14.10.94.
- Letter from P. Bohan to J. Charles dated 17.10.94.

Minutes of Initial Child Protection Conference, re: Child three, 20.10.94

Letter from A. Jamson to P. McEntee dated 26.10.94.

Minutes of the Strategy meeting re: NO-A43 and other residents of DPA 23.11.94.

In the course of this investigation, I have interviewed everyone that I considered necessary in order to investigate the complaint. Everyone has complied with my request to be interviewed. records have been kept of all the interviews.

4. Consideration of the Complaint

That NO-A43 is at risk while Child one lives at DPA

NO-A43 is the eldest of DPA children. NO-A43 mother agreed to NO-A43 going into the care of Nottinghamshire County Council due to NO-A43 experiencing both behavioural and learning difficulties. The care order was made in favour of the Local Authority on the DPA 1991 under the Children and Young Persons' Act 1969. NO-A43 presently resides at the DPA Childrens Home. At this home NO-A43 has been the victim of both physical and sexual abuse. In view of these incidents NO-A43 had been placed on the Local Authority At Risk Register in February 1994.

Recent history of DPA

On 10.12.94 a Case Conference was held in respect of allegations that child one had made that child two had sexually assaulted him.

In January 1994 NO-A43 alleged oral sex and buggery by child one, this was investigated by the Family Support Unit at DPA along with Social Services staff. Child one was temporarily (DPA weeks) moved to DPA Home while the investigation took place. With regard to the allegations the medical evidence was inconclusive and child one denied the allegations. West District had a Child Protection meeting at which they registered NO-A43 on the At Risk Register and suggested that child one should be moved from DPA. West Districts Child Protection suggestions are not binding on any other district. Mansfield District were made aware of West Districts suggestion but felt very strongly that child one should remain at DPA and that additional supervision should be provided along with internal security action to ensure NO-A43 safety. West District are not satisfied with child one returning to DPA but accepted the status quo given better supervision and the building being sectioned off by locked doors and the additional alarms that were placed in the building. One and a half extra staff have also been employed to ease the situation.

A Case Conference meeting was convened on the 11th April 1994 where it was decided that a request be made that child one be removed from the home. Sue Ounsworth was to arrange a meeting with John Carter (Social Worker for NO-A43) and other agencies to discuss this recommendation. It has been noted in the minutes of the case review/Child Protection meeting

14.10.94 that John Carter was having great difficulty locating Sue Ounsworth and that a meeting had not taking place. This difficulty in contacting Sue Ounsworth was also expressed by the Senior Social Worker Parminder Dhanjal. However, this recommendation is not binding on other districts and child one has remained at [DPA]. This had left [DPA] having to manage the situation between [NO-A43] and child one.

Within [DPA] the Fire and Rescue Service have fitted doors in several parts of the building and alarms have been placed on certain doors leading from the district that child one sleeps in. Should any of these doors be opened after child one has gone to bed, alarms are activated in the staff sleeping-in area both by light and buzzer.

On 23.5.94 John Carter expressed concerns to [DPA] about child one still residing there.

On 1.6.94 there was a meeting between John Carter, Parminder Dhanjal and Pete McEntee (West District) concerning the continued presence of child one at [DPA].

On 6.6.94 John Carter and Vassey (senior Social Worker) express their concerns in a memo to Avril Jamson requesting a meeting with Pete McEntee.

In August 1994 Child three made allegations of physical and sexual abuse by child one, [NO-A43], [NO-A43], Child four and Child five. When questioned by the police Child three denied that he had made the allegations. A CH/CP 1 was completed but no action has yet been taken in respect of these young people as the police are involved in ongoing investigations regarding allegations of abuse to child three by adult males.

26.9.94 Jane Hallam expressed her concerns for safety to Paul Bohan.

On 24.9.94 Child one told staff members of an incident in the bushes outside [DPA]. One of the boys, Child two had made a den in the bushes and the four boys, Child two, Child three, Child one and [NO-A43] were playing there. Child two had started to talk about the activities going on at the Nottingham City Centre, namely rent boy activities. The boys got 'turned on' and Child three buggered Child two in front of both Child one and [NO-A43]. Child one than gave Child three oral sex. At this point two of the boys were pulled by staff back into [DPA]. [NO-A43] was a witness to the whole event but it would appear that he was not coerced into this, and there is no indication that he was involved in any other way. This matter has been investigated by the police who have expressed concern about the situation at [DPA]. [NO-A43] was temporarily moved from [DPA] to his uncles address removed for [DPA] days as an emergency measure for fear of reprisals. [NO-A43] was then moved back to [DPA]. This second incident has been investigated by the police.

When [NO-A43] was interviewed by the police he substantiated Child one's story and also added that Child one had performed oral sex on Child three and that he ([NO-A43]) had been threatened by Child three to say nothing. It also emerged that Child three had also performed oral sex on Child one (ie., it was mutual). Throughout all of this there appears to be no suggestion that [NO-A43] had been abused.

17.10.94 The police in a letter to John Carter expressed their concern for [NO-A43] in [DPA]. [DPA] Parminder Dhanjal phoned the officer concerned and expressed the same worries. These concerns were then communicated to Mike Stone who was to co-ordinate the concerns with [DPA].

As a result of these concerns a Strategy Meeting was held on the 23rd November 1994 chaired by Mike Stone, involving all the social workers for the young men involved in the second incident. This meeting outlined a plan of action for each district involved, the social workers for each child and the senior district managers. The decision of the meeting were that Mike Stone and Paul Bohan would discuss the particular issues concerning [DPA] and Child one with Agnes Milne (District Manager). It was also recognised that there was a clear child protection issue in relation to [NO-A43] and the decision was made that discussions should take place with Pete McEntee (West District Service Manager) to see what action he would like to take, and whether he would like to move Child one from [DPA]. To date none of these actions have yet taken place.

[DPA] is a long-stay care establishment which now has an entirely male residency. This has meant that particularly difficult children some with problems of sexually abusive behaviour have tended to end up in [DPA]. Often having been through a range of other placements beforehand. There are particular concerns pertinent to [DPA] which are to be discussed between Mike Stone, Paul Bohan and Agnes Milne. The complaint relates directly to Child one. However, it is clear that there are a number of sexually active young men living at [DPA] at the moment. Child one is only one of the sexually active residents. However, Child one is also identified by Jane Hallam as the ringleader and a source of much of the trouble and intimidation at [DPA] involving physical threats and abuse, sexual abuse, damage to the home and the social workers property. The atmosphere of the home when Child one is not in the unit is far less oppressive, therefore in the interests of the whole group Jane Hallam would prefer Child one to be moved from [DPA].

5. Observations.

While [NO-A43] has been involved in abusive behaviour himself, ie, as a perpetrator. The presence of Child one at [DPA] does pose a threat to [NO-A43] and puts pressure on him. Jane Hallam is of the opinion that work can be done with [Child three], [NO-A43] and Child two but is unsure of what can be achieved with Child one. In addition to this the continual policing of the situation has had a demoralising effect on both the residents and the staff.

Child one remains at [DPA] despite a Case Conference decision to the contrary. This has allowed an ongoing situation where [NO-A43] has been both physically and sexually abused whilst at [DPA] and is potentially at further risk of the same in view of recent incidents and developments which have taken place.

There are unclear boundaries and no clear cut procedure for dealing with abuse with residential care homes or the settling of disputes between districts. While it is recognised that each district is responsible for the children within the district there is no overall strategy across the county.

There is no strategy for dealing with the sexualized behaviour of adolescent boys. No consistent therapeutic approach and there are limitations to the service that is provided at the moment.

6. **Conclusion and Recommendations.**

Based on my investigation, I find that the Social Services Department has failed in its duty to protect **NO-A43**. Therefore the complaint is upheld.

Recommendations.

1. Social Services should take appropriate action to ensure the safety of **NO-A43** this may mean removing any potential risk of further abuse. The procedure for fostering **NO-A43** with his uncle is under way and it is envisaged that **Irrelevant**. If however, this placement breaks down it is recommended that on the readmission of **NO-A43** into residential care there should be a reassessment of the risk posed to **NO-A43** by others.
2. The Child Protection Policy within residential care is both inadequate and unclear. Therefore it is recommended that a clear procedure be laid down and staff be made aware of these. Paul Bohan (Service Manager, East District) has expressed an interest in drawing up such a policy, it is therefore recommended that he be requested to do so.
3. One of the problems identified in this report has been the lack of communication and cooperation between City West and **Mansfield**. Therefore it is a recommendation that Paul Bohan sends a letter to the relevant Social Workers, Senior Social Workers and District Managers of City East, City West and any other District covering the residents of **DPA** and thereafter new admissions, requesting that each abide by a specified time period within which they should respond to communications received from other Social Workers and Districts.