



**CHILDREN'S SERVICES AND LIFELONG
LEARNING SCRUTINY AND PERFORMANCE
PANEL**

**Agenda
Item No.**

DATE **11 January 2005**

THE BICHARD REPORT

Ward(s)	All
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Portfolios: Councillor Eddie Hughes

Summary of report:

Following Ian Huntley's conviction in December 2003 for the murders of Jessica Chapman and Holly Wells an independent inquiry, chaired by Sir Michael Bichard, was convened to look into child protection measures, record keeping, vetting and information sharing in Humberside Police and Cambridge Constabulary.

The Bichard inquiry was published in June 2004 and made a number of recommendations in a local context and take action accordingly. This report provides Scrutiny with an overview of the recommendations and a proposed plan of action.

Scrutiny is asked to consider this report and approve the attached action plan.

Background papers:

None

Reason for scrutiny:

This report provides Scrutiny with an overview of Sir Michael Bichard's recommendations and a proposed plan of action for Walsall.

Signed:

Executive Director: David Martin

Date: 16th December 2004

Resource and legal considerations:

- There is no specific resource or legal implications arising from this report at this time.
- Data sharing, vetting and recording issues are to be taken up at National Level, when further information is available of this the resource and legal implications will need to be reconsidered.

Citizen impact:

- Robust staff vetting processes should assure the public that the local authority takes every step to ensure the safety of the most vulnerable service users.

Environmental impact:

- There are no specific equality implications arising from this report.

Performance management:

- It is crucial that managers involved in the recruitment of staff adhere to current recruitment policies until revised codes of practice become available.
- Commission for Social Care inspection will be required to review Social Care's arrangements for informing the police when a criminal offence has been committed against a child.

Equality Implications:

- The safeguards provided by the recommendations will enhance services to disadvantaged groups.

Consultation:

- The report has been prepared in consultation with ACPC
- Education Walsall
- Human Resources

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1. The Inquiry


- 1.1 On 17th December 2003 Ian Huntley was convicted of the murders of Jessica and Holly. In the days following there was widespread public disquiet when it became clear that Huntley had been known to the authorities over a period of years. He had in fact come to the attention of Humberside Police in relation to eight separate sexual offences from 1995 to 1999.
- 1.2 Bichard aimed considerable criticism at both police and social services, although a separate serious case review concentrated on the social care aspects of the case.
- 1.3 The Key issues emerging were inconsistencies in information sharing and poor recording. Poor vetting procedures in recruitment and selection lack of clarity about the assessment of risk posed to young people engaging in sexual activity with adults.

2. Local Response

- 2.1 Walsall's Area Child Protection Committee has considered Bichard's findings and has formulated an action plan. An immediate review of ACPC's training plan was undertaken and the 'Sheffield Model' (see Recommendations 13-15) has been circulated to Social Care's social work teams for consideration.
- 2.2 The local authorities existing recruitment procedures are already stringent, no member of staff subject to enhanced checks is appointed before outcome of these checks are known. Partner agencies are reviewing their procedures to make sure that these checks are extended to anyone in regular contact with children whether or not they are appointed to work directly with children. Recruitment training is now available to Head's of schools.

3. Risk Management Issues

- 3.1 Many of the recommendations depend, for their implementation, on national directives and initiatives. Recommendations that can be actioned locally are actively being pursued.

	REPORT OF THE: OVERVIEW AND SCRUTINY COMMITTEE	DATE: REF. NO:
<p style="text-align: center;">TO CABINET</p> <p>TITLE OF THE REPORT OR ISSUE CONSIDERED BY THE COMMITTEE HERE</p> <p>Having considered the report to this Overview and Scrutiny Committee, the following recommendations are made to Cabinet</p>		
<p>Re: (The recommendations in each box on this report should correspond to the sub-headings in the main body of the report where recommendations to Cabinet are proposed. Please add or delete boxes as appropriate.)</p>		
<p>Re:</p>		
<p>Re:</p>		
<p>Re:</p>		
<p>Re:</p>		

Re:
Re:
Re:
Re:
Re: <i>Any other recommendation</i>
<p>This form provides an accurate record of the meeting of the above named Overview and Scrutiny Committee.</p> <p>Chair of Scrutiny name</p> <p>Signature Date:</p>

The Bichard Inquiry
Area Child Protection Committee
Recommending and Action Plan (September 2004)

No.	Bichard Recommendation Number	Action Required	By When	Lead Officer(s)
1	A national IT system for England and Wales to support police intelligence should be introduced as a matter of urgency. The Home Office should take the lead and report by Dec. 2004 with clear targets for implementation (P.132).	none		
2	The PLX system, which flags that intelligence is held about someone by particular police forces, should be introduced in England and Wales by 2005 (page 132).	none		
3	The procurement of IT systems by the police should be reviewed to ensure that, wherever possible, national solutions are delivered to national problems (page 133).	none		
4	Investment should be made available by Government to secure the PNC's medium and long-term future, given its importance to intelligence-led policing and to the criminal justice system as a whole. I note that PITO has begun this work (page 134).	none		
5	The new Code of Practice, made under the Police Reform Act 2002, dealing with the quality and timeliness of PNC data input, should be implemented as soon as possible (page 134).	none		
6	The quality and timeliness of PNC data input should be routinely inspected as part of the Policing Performance Assessment Framework (PPAF) and the Baseline Assessments, which are being developed by Her Majesty's Inspectorate of Constabulary (HMIC) (page 134).	none		

7	The transfer of responsibility for inputting court results onto the PNC should be reaffirmed by the Court Service and the Home Office and, if possible, accelerated ahead of the 2006 target. At least, that deadline must be met (P.134).	none		
8-11	<p>8 A Code of Practice should be produced covering record creation, review, retention, deletion and information sharing. This should be made under the Police Reform Act 2002 and needs to be clear, concise and practical. It should supersede existing guidance (page 138).</p> <p>9 The Code of Practice must clearly set out the key principles of good information management (capture, review, retention, deletion and sharing), having regard to policing purposes, the rights of the individual and the law (page 138).</p> <p>10 The Code of Practice must set out the standards to be met in terms of systems (including IT), accountability, training, resources and audit. These standards should be capable of being monitored both within police forces and by HMIC and should fit within the PPAF (page 138).</p> <p>11 The Code of Practice should have particular regard to the factors to be considered when reviewing the retention or deletion of intelligence in cases of sexual offences (page 138).</p>	Information management. The Home Office will produce a revised code of practice that will require implementation. In the meantime the council needs to be sure that information is passed between departments and partner agencies as appropriate. A policy on information destruction should be in place. A protocol for interagency information exchange should be agreed.		Employment Support / Caldicott Guardian / Data Protection Officer

12	The Government should reaffirm the guidance in <i>Working Together to Safeguard Children</i> so that the police are notified as soon as possible when a criminal offence has been committed, or is suspected of having been committed, against a child – unless there are exceptional reasons not to do so (page 139).	Need to review if there are any training needs for staff to implement <i>Working Together to Safeguard Children</i>		ACPC/ Social Care / Education /
13-15	<p>13 National guidance should be produced to inform the decision as to whether or not to notify the police. This guidance could usefully draw upon the criteria included in a local protocol being developed by Sheffield Social Services and brought to the attention of the Inquiry. The decision would therefore take account of:</p> <ul style="list-style-type: none"> • age or power imbalances; • overt aggression; • coercion or bribery; • the misuse of substances as a disinhibitor; • whether the child's own behaviour, because of the misuse of substances, places him/her at risk so that he/she is unable to make an informed choice about any activity; • whether any attempts to secure secrecy have been made by the sexual partner, beyond what would be considered usual in a teenage relationship; • whether the sexual partner is known by one of the agencies (which presupposes that checks will be made with the police); • whether the child denies, minimises or accepts concerns; and 	ACPC to ensure process for handling allegations of sexual offences against children are properly dealt with	December 2004	ACPC

	<ul style="list-style-type: none"> • whether the methods used are consistent with grooming. <p>14 The Integrated Children's System should record those cases where a decision is taken not to refer to the police.</p> <p>15 The Commission for Social Care Inspection should, as part of any social services inspection, review whether decisions not to inform the police have been properly taken (page 139).</p>			
16-18	<p>16 Head teachers and school governors should receive training on how to ensure that interviews to appoint staff reflect the importance of safeguarding children (page 141).</p> <p>17 From a date to be agreed, no interview panel to appoint staff working in schools should be convened without at least 1 member being properly trained (P.141).</p> <p>18 The relevant inspection bodies should, as part of their inspection, review the existence and effectiveness of a school's selection & recruitment arrangements (P.141).</p>	All on recruitment panels properly trained.	December 2004	OD
19	New arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered. This register – perhaps supported by a card or licence – would confirm that there is no known reason why an individual should not work with these client groups. The new register would be administered by a central body, which would take the decision, subject to published	Until registration scheme in place, CRB checks must be undertaken and no staff should be allowed to start work without clearance		Employment Support

	<p>criteria, to approve or refuse registration on the basis of all the information made available to them by the police and other agencies. The responsibility for judging the relevance of police intelligence in deciding a person's suitability would lie with the central body. The police, as now, would be able to identify intelligence which on no account should be disclosed to the applicant.</p> <p>Employers should still decide, based on good selection procedures, whether or not the job required the postholder to be registered and should retain the ultimate decision as to whether or not to employ.</p> <p>The central body would have the discretion to ignore any conviction information judged not to be relevant to the position in question.</p> <p>Individuals should have a right to appeal against any refusal to place them on the register and that right should be exercised before any information is made available to a third party.</p> <p>The register should be continuously updated and available to prospective employers for checking online or by telephone.</p> <p>The register should be introduced in a phased way, over a period of years, to avoid the problems associated with the introduction of the Criminal Records Bureau (CRB).</p> <p>The DfES, in consultation with other government departments, should decide whether the registration scheme should be evidenced by a licence or card (Page 154).</p>			
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20	HMIC should develop, with ACPO and the CRB, the standards to be observed by police forces in carrying out vetting checks. These should cover the intelligence databases to be searched, the robustness of procedures, guidance, training, supervision and audit (page 142).	none		
21	All posts, including those in schools, that involve working with children, and vulnerable adults, should be subject to the Enhanced Disclosure regime (page 144).	If all posts are not currently subject to enhanced checks then this must be changed		Recruitment Team and Employment Support
22-31	<p>22 The Registered Bodies' precise responsibilities for checking identities need to be clarified urgently (P. 145).</p> <p>23 Registered Bodies, or the CRB, should be able to check passports and driving licences presented as proof of identity against the Passport Service and Driver and Vehicle Licensing Agency (DVLA) databases (page 147).</p> <p>24 There should be an expectation that documents produced to confirm identity should, wherever possible, include a photograph (page 147).</p> <p>25 Fingerprints should be used as a means of verifying identity (page 147).</p> <p>26 Guidance should be issued to Registered Bodies on how to verify that applicants have given a full and accurate account of their current and past addresses (page 147).</p>	none		

	<p>27 Registered Bodies should be required to confirm that they have checked the information on the 'Police Check Form' in accordance with CRB guidance (page 147).</p> <p>28 The consents that applicants currently give on the 'Police Check Form' should be sufficiently broad to enable the requisite checks to be undertaken (page 147).</p> <p>29 Incomplete or withdrawn applications should in future be returned to the Registered Body, and not to the applicant (page 147).</p> <p>30 Proposals should be brought forward as soon as possible to improve the checking of people from overseas who want to work with children and vulnerable adults (page 147).</p> <p>31 As a priority, legislation should be brought forward to enable the CRB to access the following additional databases for the purpose of vetting:</p> <ul style="list-style-type: none"> • Her Majesty's Customs & Excise; • National Criminal Intelligence Service; • National Crime Squad; • British Transport Police; and • the Scottish and Northern Ireland equivalents of the Protection of Children Act List and the Protection of Vulnerable Adults List (page 147). 			