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CABINET

Wednesday, 11th January, 2023

- 6 Question(s) from Members of the Council – Publication of Independent Review Report (John Humphreys) (Pages 1 - 8), as highlighted by the Cabinet Member in his response to Councillor questions, attached.

Independent Review of the Response of Devon County Council's LADO Service to Allegations of Abuse Against JH

September 2022

Introduction

This report considers the response of Devon County Council's Local Authority Designated Officer (LADO) service to allegations of abuse made against JH, in the wake of his conviction in August 2021 for sexual offences committed against children between 1990 and 2002. [REDACTED]

Executive Summary

In August 2021 JH was convicted of sexual offences against children which had taken place between 1990 and 2002. JH had held positions of influence and authority in the community, including as a school governor, a local councillor and as a provider of work experience for young people through his gardening business. [REDACTED]

The allegations against JH were considered by the LADO in 2014 and 2016.

In 2014 there was a referral from the NSPCC, which had been contacted by [REDACTED] alleging that JH had abused him between 1999 and 2000, when he was around 14. After discussion with the police, the LADO appropriately decided to take no further action.

Two strategy meetings were held in 2016, in March and April. At this time the police were investigating allegations of abuse [REDACTED]. These meetings appropriately considered JH's contact with children. It was established that he did not work with children and there was no allegation that JH was abusing any child at that time.

[REDACTED]

Although it was agreed at the second strategy discussion that there would be a further meeting once the police investigation had progressed further, none was ever held. It is not clear what arrangements were in place to track the work of the LADO at that time.

In both 2014 and 2016 there was no recorded discussion about whether the allegations against JH met the remit for LADO oversight. Although in a position of responsibility and influence within the community, JH did not work with children at the time the allegations were made, and no allegation was made of contemporary abuse of children. The allegations of historic abuse were properly dealt with as a police matter.

[REDACTED]

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It was not appropriate for the strategy meetings to have taken place without JH [REDACTED] being aware of the allegations and that the meetings were happening, or else there being a clear rationale recorded for [REDACTED] not to have been told.

The system for tracking ongoing LADO work was not sufficiently robust to pick up that no further meeting had happened as agreed at the second strategy meeting, though there is no evidence that this left any child at risk.

The recording of the initial referral lacks detail about the allegations against JH and the rationale for not pursuing these (beyond that there was no new information) which would have been helpful to the reviewer in considering the quality of practice. [REDACTED]

[REDACTED] There is also no record of any discussion during the strategy meetings about why JH [REDACTED] were not informed of the allegations against [REDACTED] to help evaluate whether this was reasonable.

Purpose and Scope of the Review

The purpose and scope were set out in a terms of reference document provided to the reviewer by Devon County Council in August 2022.

The document set out the purpose of the review as:

- To determine whether the LADO service followed safeguarding policies and good practice in relation to concerns reported to Devon County Council in respect of JH [REDACTED]
- To consider if decision making was properly based on all available information, and was proportionate, with the information available at the time
- To examine whether information was shared with all proper authorities in a timely way
- To determine whether there were missed opportunities in relation to safeguarding children
- To determine whether any information was shared inappropriately following the reporting of concerns about JH to Devon County Council

The scope set out in the document was:

- To review the period from the referral to the police in 2004 to the date of JH's conviction
- To provide a comprehensive chronology of all significant events, including referral dates, dates JH was in post as Councilor/School Governor, [REDACTED] dates for key decision points
- To conduct an evaluation of the action taken in response to information shared with the LADO service; in particular whether it was in line with policies and procedures at the time
- To consider the quality and impact of partner relationships and the quality and timeliness of information sharing.

Review Process

In completing this review, the reviewer:

- Considered the records provided by the LADO service in relation to the work undertaken in respect of JH [REDACTED]
- Discussed the response of the LADO service with the workers acting as LADO in both 2014 and 2016, and with workers in the current LADO service
- Considered contemporary information provided by Devon County Council in respect of JH's historical involvement with schools

Report

In August 2021 JH was convicted of ‘two counts of indecent assault against a boy aged 12-13 years old in 1991, three charges of buggery of a boy aged 12 or 13 years old during 1990-1991, and five counts of indecent assault of a boy aged 14-15 years old, between 1999 and 2002’¹.

JH had held positions of influence and authority in the community, including time as a primary school governor, as a local councillor (including being appointed to the position of mayor) and as a provider of work experience for young people through his landscape gardening business.

[REDACTED]

LADO Records

The LADO records provided to the reviewer were:

- A ‘Strategy Meeting Referral & Outcome Form for Managing Allegations Against Adults Working With Children (LADO)’, dated 14 April 2014.
- The minutes of an ‘INITIAL STRATEGY MEETING: Managing Allegations Against Adults Working With Children’, dated 9 March 2016.
- The minutes of a ‘RECONVENED STRATEGY MEETING’, dated 26 April 2016.

Workers the reviewer spoke to said that at that time any additional information would most likely have been held on a shared drive on the council system.

The reviewer asked and was assured by the current LADO service that the records listed above were all that were available. Each of the records provided to the reviewer is considered in turn below.

NSPCC Referral – April 2014

In April 2014 a referral was received from the NSPCC. At the time this referral was received Devon did not have a dedicated officer in the role of LADO. The role was managed on a rota basis by several officers alongside their substantive roles.

The original NSPCC referral is not in the records provided. The information from the referral and the action taken on this is recorded in a ‘Strategy Meeting Referral & Outcome Form for Managing Allegations Against Adults Working With Children (LADO)’, dated 14 April 2014.

The referral identifies JH as ‘the Mayor [...], a Conservative MP, a member of the Devon District Council’, and says he ‘is believed to be governor of [a] Primary School.’

[REDACTED]

¹ <https://eastdevonnews.co.uk/2021/08/18/jury-finds-former-exmouth-mayor-john-humphreys-guilty-of-historic-sexual-abuse-of-underage-boys/>

² <https://www.exmouthjournal.co.uk/news/20331021.mayors-big-day-truly-momentous-one/>

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The form also records that JH had 'recently been in the news after marrying his partner of over 20 years, [REDACTED]

The 'Details of Discussion' section of the form records that the LADO had a 'Discussion Exeter Devon caiu [child abuse investigation unit] Police', though not who the discussion was with. The entire record of the discussion is 'Confirmed that police are not taking any further action. [REDACTED] the allegation has already been investigated and no evidence to support prosecution identified. The reason it is not being re-opened is that there is no new information. Police did not feel meeting required.'

There is no detail in the record of the allegations made by [REDACTED] to the police, or of any discussion about how the police had evaluated these to reach the conclusion that no action was to be taken. Similarly, there is no record of discussion about the information in the NSPCC referral about JH potentially being in regular contact with children, [REDACTED]

The information in the referral concerns historic abuse of children who were by then adults, which falls outside the remit of the LADO. There is no contemporary allegation against a person who works with children beyond a suggestion that JH 'has regular contact with children' [REDACTED]. Although there is insufficient detail to be certain, given that the police had not considered the allegations [REDACTED] warranted further investigation, on balance it was reasonable for the LADO not to investigate further.

Overall, then, the decision not to take any further action was reasonable given the remit of the LADO service and the information available. However, it would have been helpful to record the discussion with the police in greater detail to better evidence how this conclusion had been reached. [REDACTED]

Initial Strategy Meeting – March 2016

The initial strategy meeting was chaired by a 'Senior Manager' (the attendance list does not say from which agency, although the same person has signed the foot of minutes identifying themselves as the LADO) and attended by representatives from the police, Devon County Council's legal department, and East Devon District Council (the role of this person in the council is not described), alongside a recently appointed LADO. Copies of the minutes were to be provided to a Devon County Council Press & Communications Officer.

Under the 'Purpose of the Meeting' section, the minutes recorded that '[JH] was under Police investigation for alleged historic sexual offences against 3 young males; rape, sexual activity with a child (male victims around 13-15yrs old), and blackmailing an adult in the gay community. The offences span between 1980's and 1990's. [JH] had not been arrested at this time.'

The minutes give a summary of the circumstances around the allegations against JH, and police efforts to identify which college(s) JH may have offered work experience placements to. JH's various

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roles in the community are discussed, none of which is described as providing him with access to children. It is confirmed that neither JH [redacted] are believed to have any children of [redacted] own.

[redacted]
[redacted]
[redacted]

There is no record of any discussion about whether either JH [redacted] were aware of the allegations, or whether [redacted] should have been informed of these. There is no record of any discussion about the remit of the LADO service and whether it was appropriate for the LADO to be taking a lead in overseeing the discussions given there was no allegation against a person working with children. There is no record of any discussion about who had been invited to the meeting and why.

The main action from the meeting was that the police would continue their investigation, with a specific point about the police checking if JH was involved in any local charities.

Overall, appropriate consideration was given to identifying any contact which JH [redacted] might be having with children. No evidence was presented to the meeting that JH worked with children [redacted]. It is concerning that [redacted] JH [redacted] were aware of the allegations and that no reason was given for not informing [redacted].

Reconvened Strategy Meeting – April 2016

The reconvened strategy meeting was chaired by the LADO who had attended the previous meeting and was attended by three representatives from the police (including a media officer), representatives from Devon County Council's legal department, Devon County Council's Press department and East Devon District Council (again the role of this person in the council is not described), the principal of the school [redacted], and an HR Advisor (it is not clear from which organisation).

The minutes describe plans for the police to arrest JH soon. The police confirmed that they had established that JH did not have any involvement with local charities. The police also confirmed that they had not identified any local colleges for whom JH might be offering work experience placements.

The Devon County Council legal representative expressed concern about the potential for JH to have contact with children if he continued in his role as a local councillor after being arrested, though it is not clear from the minutes (or those of the previous meeting) that any of his duties would involve this and thus what the source of this concern was.

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

Again, there is no record of any discussion about whether [redacted] JH [redacted] were aware of the allegations, or whether [redacted] should have been informed of these, despite the presence of [redacted] a representative from the council JH was a member of. Similarly, there was no

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discussion about whether the allegations under consideration fitted within the remit of the LADO service.

It was agreed that there would be a follow up meeting 'when there is further progress with the police investigation', though no further meeting was held.

Overall, this meeting confirmed that JH did not work with children [REDACTED]. At this point it was clear that the circumstances did not fit the remit of the LADO service, and it would have been appropriate to end the LADO involvement.

Other information

As well as the records from the LADO service described above, the reviewer was provided with information gathered by Devon County Council in June 2022 from two schools with which JH was believed to have had some previous connection.

The first of these was a primary school at which JH was a governor between 2001 and 2009. The school confirmed that an appropriate background check had been undertaken at the time of JH's appointment, and that he was not believed to have attended any school trips or residential. No information was offered to suggest that there had been any allegation or other concern about JH during the time he was a governor.

The second was a secondary school in the area where JH had served as mayor. Having spoken to a range of people employed at the school at the time, the principal reported 'no record of, or indeed any recollection, that this person was on the Board or had any other association with the school'.

Statutory Guidance on the Role of the LADO

Statutory guidance on the role of the LADO is set out in 'Working Together to Safeguard Children'. The version in use at the time of the referral and strategy meetings was published in 2013.

The guidance describes the duty set out in section 11 of the Children Act 2004 on 'a range of organisations and individuals':

'to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.'

The guidance requires organisations to have:

'clear policies in line with those from the LSCB for dealing with allegations against people who work with children. An allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.'

And sets out the role of the LADO:

'In addition:

- county level and unitary local authorities should have a Local Authority Designated Officer (LADO) to be involved in the management and oversight of individual cases. The LADO should provide advice and guidance to employers and voluntary organisations, liaising with the police and other agencies and monitoring the progress of cases to

ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process'

In summary, then, the role of the LADO is to be involved in the management and oversight of allegations against those working with children, and to offer advice and guidance to others on this.

Conclusions

Conclusions are set out below under the headings given in the terms of reference for the review.

The extent to which policies and procedures were followed in this case

Overall, the focus on the extent to which the LADO service had any remit to have oversight of the concerns about JH [REDACTED] could have been sharper. Once it was established that JH did not work with children [REDACTED] the LADO involvement could have ended.

It was not appropriate for strategy meetings to be held without JH [REDACTED] knowing about the allegations or there being a clear rationale for not informing [REDACTED]. It is not clear from the record whether there was any discussion about this. It is also unclear how it was decided who should attend the meetings and who should be informed about the allegations.

The system for monitoring the work of the LADO was not sufficiently robust to identify that the follow-up meeting agreed at the second strategy meeting in 2016 had not been arranged.

The records kept by the LADO service could have been more comprehensive. The original NSPCC referral from 2014 does not appear in the record, [REDACTED]. The record of the discussion with the police in 2014 does not detail the allegations made [REDACTED] or the rationale for not investigating further, [REDACTED].

Missed opportunities to safeguard children

No missed opportunities to safeguard children during the period covered by the review were identified.

The allegations made against JH in 2014, and reconsidered in 2016, were of abuse of children who were by then adults. There is no record of any allegation that JH abused any child between the referral from the NSPCC in April 2014 and his conviction in August 2021.

[REDACTED]

Learning from this review

The learning from this review follows from the conclusions set out above:

- There could have been greater clarity about the remit of the LADO service reflected in the discussion about the NSPCC referral and in the strategy meetings
- There could have been fuller recording of discussions so that the rationale behind decisions was clearer
- Discussion of allegations should have been more transparent to JH [REDACTED], in line with the need to keep children safe

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- Work should have been tracked more effectively to make sure the agreement to hold a follow-up meeting was not lost

Recommendations

The recommendations echo the learning described above:

- The service should make sure that there is clarity about the role of the LADO service both within Devon County Council and with partners so that the service has oversight only of those cases which meet the remit set out in guidance
- The service should make sure discussions are recorded sufficiently thoroughly so that the rationale behind decisions, including decisions about holding meetings and who should attend these, is clear
- The service should make sure that the discussion of allegations is fully transparent to those against whom these have been made, in line with the need to keep children safe
- The service should track work effectively to make sure this is brought to a clear conclusion and not allowed to drift or be lost

In the reviewer's discussion with current LADO workers these points were discussed, and assurance given that they have been addressed in current practice. A request was made for documentation to support this, but at the time of writing this had not been provided.

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