

Cabinet**Date of Cabinet:** 6 June 2016**Report title:** Preparation for the Independent Inquiry into Child Sexual Abuse (IICSA) and the Council's response to allegations of historic child sexual abuse.**Wards:** All**Report Authorised by:** Strategic Director for Children, Adults and Health: Helen Charlesworth-May**Portfolio:** Leader of the Council: Councillor Lib Peck**Contact for enquiries:** Annicka Ancliff, Adults and Health, 0207 926 4697
aancliff@lambeth.gov.uk**Report summary**

This report seeks to update Cabinet on the work currently being carried out in preparation for the Independent Inquiry into Child Sexual Abuse (IICSA) formerly referred to as the Goddard Inquiry. The Inquiry is an independent statutory inquiry covering England and Wales set up by the Home Secretary under the Inquiries Act 2005 and as such has the power to compel witnesses to give evidence.

On 24th March 2016 Lambeth Council was designated a core participant by the Inquiry meaning that as an organisation the Council has a specific interest in the work of the Inquiry. Preparing for the Inquiry and contributing to its investigations will require the Council to undertake specific activity to disclose potential evidence and secure appropriate legal representation. This will require significant additional funding.

Finance summary

The allocation of £2.2m of additional funding is requested over financial years 2016/2017 and 2017/2018 to support the coordination of activities in preparation for the Independent Inquiry into Child Sexual Abuse. A breakdown of the activities and funding required can be found at Item 3. It should be noted that there has been expenditure during 2015/2016, this has been partly funded by various departments across the Council, the majority from within Corporate services.

Recommendations

- (1) To agree the Council's approach to the preparation for the Goddard Inquiry (IICSA).
- (2) To agree the allocation of £2.2m to enable the preparation for the Independent Inquiry.
- (3) To delegate to the Chief Executive the authority to formulate a draft compensation scheme on behalf of the organisation in consultation with stakeholders including survivors and insurers.

1. Context

- 1.1 The Home Secretary has set up a national inquiry chaired by Hon Dame Lowell Goddard, the Independent Inquiry into Child Sexual Abuse, in response to convictions of high profile individuals for child sexual abuse. The Inquiry is an independent statutory inquiry covering England and Wales set up under the Inquiries Act 2005 and as such has the power to compel witnesses to give evidence.
- 1.2 The Inquiry, created in March 2015 and anticipated to conclude in 2020, has launched 13 investigations across a broad range of organisations. The inquiry may extend its scope during the investigation to include other authorities. Lambeth Council is one of the institutions under investigation along with other local authorities including Nottinghamshire, Leicestershire and Rochdale and other organisations including the Roman Catholic Church and the Anglican Church.
- 1.3 The terms of reference state that the inquiry will consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation: to consider the extent to which those failings have since been addressed; to identify further action needed to address any failings identified; to consider the steps which it is necessary for State and non-State institutions to take in order to protect children from abuse in future; and to publish a report with recommendations. The scope of the inquiry can be found at Appendix 1. Lambeth Council accepts that it has a significant interest in the substance of this investigation, and hopes its contribution to the investigation will assist the IICSA in achieving the objectives set out in the terms of reference.
- 1.4 The Inquiry has begun its preliminary hearings in March 2016. Lambeth's preliminary hearing took place on 24th March 2016. The hearing introduced the purpose of the inquiry and the areas of interest that they will be focused on in terms of Lambeth. The transcript from the preliminary hearing can be found at Appendix 2. At this hearing Lambeth Council, along with the Department for Education (DfE), the Metropolitan Police Service (MPS) and the Shirley Oaks Survivors Association (SOSA), was designated a core participant.
- 1.5 A core participant is an individual or organisation that played, or may have played a direct or significant role in relation to the matters to which the Inquiry relates; has a significant interest in an important matter to which the Inquiry relates; or may be subject to explicit or significant criticism during the Inquiry proceedings or in the report prepared by the Inquiry. Core participants may be required to provide evidence, will receive documentation disclosed by other parties, be legally represented including being able to make opening and closing statements at any hearing, suggest lines of questioning to be pursued by Counsel to the Inquiry, and be able to apply to the Inquiry Panel to ask questions during a hearing.

2. Project Scope - Inquiry

- 2.1 As outlined above the Independent Inquiry into Child Sexual Abuse has announced it is launching 13 separate investigations into historic abuse and that this will include an investigation into children in care in Lambeth. The Council welcomes this decision and

will be fully cooperating with the Inquiry. The scope is appropriately wide, but as such has huge implications for the council. The preliminary hearing which focused on the timetable and scope of the investigation into Lambeth took place on 24th March 2016. A transcript from the hearing can be found at Appendix 2. A further preliminary hearing is scheduled for 27th July 2016. It is anticipated that the full hearings in relation to Lambeth will begin in October 2017 if the Inquiry runs to time.

- 2.2 Since the update to Council on 22nd July 2015, activity has been progressing in relation to preparing for the Inquiry. Leading and junior Counsel have been instructed, and an in-house legal team has been set up assisted by external legal advisers. However, the scale of disclosure is very significant; much more extensive than was originally anticipated.
- 2.3 The Council is currently in the course of providing the IICSA with all relevant documentation.
- 2.4 To date the project team has collated over 6000 documents which are being catalogued and categorised into one electronic resource. This will be provided to IICSA in full and will also be used to aid police inquiries when information is requested. A redacted version of this information will be made available in hard copy form in Lambeth Archives for public viewing in due course. However, the Council's priority at present is the identification and preparation of documents and other information to facilitate the Inquiry's work.
- 2.5 To ensure transparency the Council is also arranging for information on children's homes held in Lambeth Archives to be reviewed. Work is underway on this and information which was previously 'closed' has had personal data redacted and is now available for public viewing in some cases. Any personal data previously held in closed files within the Lambeth Archives will also be placed in the relevant individual social care files and included in replies to Subject Access Requests (SAR). This work is on-going. It is not possible yet to say when this task will be completed.
- 2.6 The Council has extensive documentation storage across a number of sites in Lambeth and elsewhere in the country. All of these documents are now being systematically reviewed to ensure that anything relevant to the Inquiry is collated and disclosed. To-date the team has reviewed 4,000 boxes of documents from the Town Hall, International House and Hambrook House secured during the office moves of April 2015, during phase 1 of the Your New Town Hall project; 16 of these boxes hold information that may be useful to the inquiry. A further 2,150 boxes and bags are yet to be reviewed. In addition there are 20,000 items in storage outside of the borough that are not catalogued, and over 100,000 which are catalogued. It is estimated that it will take between 12 and 16 weeks for this information to be reviewed. Important information has already been identified at these sites.

3. Working with Survivors and the Police

- 3.1 The Shirley Oaks Survivors Association (SOSA) was formed in 2014 to bring together former residents of Shirley Oaks Children's Home and other interested individuals. The

Shirley Oaks Children's Home was a large grouping of residential homes with associated facilities run by Lambeth within the geographical boundary of the London Borough of Croydon. Shirley Oaks Children's Home was in operation between 1904 and 1983 and came under Lambeth's organisational control in 1965. During this time thousands of Lambeth children were accommodated at the home. SOSA is a support group that has been set up to document accounts and stories told by children in the care of the Council who have suffered or witnessed abuse whilst in children's homes. It is understood that membership of SOSA now exceeds 600, many, but not all of whom, were Lambeth looked after children.

- 3.2 In addition to preparing for the Inquiry the Council has also been supporting the work of SOSA and its work with survivors. It has funded SOSA's campaign video to assist promoting the work they are doing, it has provided information on the homes themselves and has seconded a member of staff to process all Subject Access Requests received from SOSA. So far 70 members of SOSA have accessed their files. The Council has also commissioned counselling and support for survivors from a specialist provider of such services. When approached by SOSA we decided as an administration that we wanted to support them, work constructively with them & to be as transparent as possible. This approach was outlined by our Council meeting in July 2015 & been our intention ever since.
- 3.3 The Council continues to provide evidence to the police to aid their investigations. Some of the evidence provided led to the prosecution of Les Paul, who was found guilty of sexually abusing children and sentenced to 13 years in prison in January 2016. Other investigations are on-going and further prosecutions are pending.
- 3.4 As was set out in the Council report of 22nd July 2015 the Council had received 69 claims for compensation and had paid £1.8m in respect of 34 cases. Given the new information that is now available to people that lived in Lambeth's children's homes, the new prosecutions and a new preparedness, nationally, to listen to the stories of children in care, it is anticipated that there will be new claims for compensation. In this context it is recommended that the Council consider how it may compensate people for the harms they suffered whilst in the Council's care. It is imperative that people who have survived abuse are treated fairly and quickly. To that end it is requested that Cabinet authorise the Chief Executive, with appropriate legal advice, to begin formulating an outline of a compensation scheme to be further developed in consultation with interested parties including survivors and insurers. One of the national inquiry's 13 investigations is entitled Accountability and Reparations. It intends to review the legal remedies available to victims and survivors and will examine the adequacy of compensation schemes. However, the Inquiry may not report until 2020. It is important that the Council is in a position to respond and compensate known harms inflicted in Lambeth's children's homes as quickly and as sensitively as possible.

4. Finance

- 4.1 In order to prepare for the forthcoming Inquiry, and based on an assumed end-date of December 2017 for the public hearings for Lambeth. It is currently estimated that an

additional sum in the region of £2.2m will be required over the two financial years 2016/2017 and 2017/2018 to meet expenditure on additional resources. It should be noted that this does not include any allocation of funds for the settlement of compensation claims that are expected to arise as a result of the increased awareness around the Inquiry. The table below shows indicative costs as they are currently understood (figures are £1,000's)

	2015/16	2016/17	2017/18	Total
	£000	£000	£000	£000
Internal (staff) Costs	176.4	428.6	260.6	865.6
External costs	250.0	1,168.2	720.7	2,138.9
Total	426.4	1,596.8	981.3	3,004.5

4.2 As noted in the Finance Summary the majority of the expenditure for 2015/2016 (£426,400) has been met from Corporate Resources budget. This is not a sustainable position going forward. The bulk of the predicted additional costs (£1,663,300) will be for expert legal support – it is anticipated that the total cost of Counsel and an additional FTE solicitor to work with our existing legal team will be in excess of one million pounds. The majority of the remainder is associated with the review of physical documents currently in storage (£330,000), with a further £200,000 required for support in developing and implementing a simple and robust compensation scheme.

4.3 The difference in costs between the next two financial years reflects both the assumption that our engagement in public hearings will come to an end by December 2017, and also that there is significant additional resource required in the current year (2016/2017) to review the archive material held in storage.

5. Legal and Democracy

5.1 As stated in the body of the report, the Independent Inquiry into Child Sex Abuse (IICSA) is being conducted in accordance with the provisions of the Inquiries Act 2005. The Inquiries Act provides a statutory framework for inquiries set up by Ministers to look into matters of public concern.

5.2 This proposed key decision was entered in the Forward Plan on 29 April 2016 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

6. Consultation and co-production

6.1 N/A

7. Risk management

- 7.1 Project management methodology is being applied to this work. The key risks are those associated with not being able to find the documentation required for disclosure and not being able to deliver disclosure requirements against the timetable set out by the Inquiry. Risks are being reviewed on a regular basis at the most senior levels of the organisation.

8. Equalities impact assessment

- 8.1 N/A

9. Community safety

- 9.1 N/A

10. Organisational implications

Key staff required to support the project have been identified and they are being made available to the team. However, consequently they are not available for other projects or business as usual activities. The Strategic Director is responsible for reviewing and managing any concerns that may arise and negotiating the re-prioritising of work as may be necessary.

- 10.1 Environmental
N/A

- 10.2 Staffing and accommodation
Contract workers have been recruited on a temporary basis to review information held by the Council. This will not impact on the organisational workforce.

- 10.3 Procurement
External legal support has been drawn off existing framework contracts.

- 10.4 Health
N/A

11. Timetable for implementation

- 11.1 As noted above the next preliminary hearing for IICSA will be held on the 27th July 2016 and the public hearings are not likely to start before October 2017.

- 11.2 Monthly disclosure to the inquiry will begin at the end of May and will continue for a number of months. A final deadline has not yet been agreed, and will, in part, be dependent on the length of time it takes to review the documentation held in storage. It is currently intended that the review and disclosure of documents will be completed by the end of the year.

11.3 It is planned that a draft compensation scheme, should be ready for consultation no later than September 2016.

12. Conclusion

12.1 The logistical and practical scale of the task in preparation for the public hearings for the independent Inquiry is huge, and the volume of documentation that is required to be disclosed to the Inquiry will require very significant internal resource to ensure that we meet our obligations and co-operate fully with the Inquiry team. We are working to a tight timetable for disclosure and will update Cabinet on future hearings which will provide further detail on timescales and further procedural issues in relation to the public hearings.

Audit trail				
Consultation				
Name/Position	Lambeth	Date Sent	Date Received	Comments in para:
Helen Charlesworth-May	Strategic Director, Adults and Health	09/05/16	19/05/16	throughout
Finance	Business Partnering	20/05/16	25/05/2016	4
Alison McKane, Legal Services	Corporate Affairs Legal Services	29/03/16	29/03/16	Throughout
Fateha Salim, Legal Services	Corporate Affairs, Legal Services	29/03/16	20/04/16	Throughout
Pauline Whalley, Technical Project Manager	Corporate Resources	29/03/16	04/04/16	Throughout
Mark Nicolson, Risk and Insurance	Corporate Resources	06/05/16	09/05/16	Recommendations
David Rose, Democratic Services	Corporate Affairs	20/05/16	20/05/16	Throughout
Councillor Lib Peck	Leader of the Council	24/05/16	26/05/2016	Throughout

Report History	
Original discussion with Cabinet Member	22.04.15
Report deadline	25.05.15
Date final report sent	26.05.15
Report no.	250/16-17
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	29.04.16
Key decision reasons	Expenditure, income or savings in excess of £500,000
Background information <u>MANDATORY</u>	https://www.iicsa.org.uk/
Appendices	Appendix 1 Scope of the Inquiry Appendix 2 Transcript from the preliminary hearing