



A Learning Lessons Review in Kirklees: (Child LLR 2)

This briefing has been produced to provide practitioners and managers with the key learning. A Learning Lessons Review (LLR) takes place after a child is seriously injured and abuse or neglect is thought to be involved and it is believed lessons can be learned from the way in which the local authority, their board partners or other relevant persons have worked together to protect the child.

What was the story?

This review is about a young white woman, Benita; aged between 14-16 at the time described by these events. She came to this country from Latvia at the age of 13 in 2013 with two older brothers and her mother Daniela to live with a man, David.

Between May 2014 and May 2016 Benita came into contact with social workers and police officers because of two allegations made and retracted by her. The first was she said she had had sex with her older brother Juris, the second was that David was the father of her terminated baby.

The review also considers the period of time when professionals knew Benita was pregnant and was seeking a termination but before she made the allegation against David.

Background:

In May 2014 Benita (aged 13) disclosed to a school friend, who then informed the school DSL, that she had had sex with her older brother, Juris, when she was aged 11 or 12 and that she had told her mum and David about this incident who had told said that if it happens again they would go to the police. Benita did not want to get her brother into trouble. The DSL made a referral to children's Social Care, who contacted the Police. Both David and Daniela denied being aware of this incident and informed the police and Social care that they were shortly to go on holiday and Benita could be video interviewed when they returned. Juris was to remain in the UK with his Uncle and Benita was to remain in the family home, looked after by her other older brother Jans.

Upon the Daniela and David's return Daniela informed the Police that Benita had made up the allegation, however, Benita confirmed again to Police that Juris had had sex with her but that she was unwilling to undertake a video interview. Juris was also interviewed by the police, he denied the allegation. The police recorded the crime as "undetected" as they did not have a chance of a successful prosecution. The SW Team manager noted that the social work records were poor writing "1. No chronology 2. No information recorded on Core Assessment 3. Strategy discussion not recorded 4. No plans 5. No case recording in observations". The case was closed shortly afterwards as Benita would not make a formal statement and Juris was to return home once a safety plan was in place.

In December 2015, Benita went to the GP with David, she was 8 weeks pregnant, she said the father was someone she met on the internet and she did not know him or want to continue with the pregnancy. The GP was concerned about inconsistencies in the story given and called Children's social care, they recorded this as no further involvement. Approximately a week later Benita and David attended a Marie Stopes clinic for a termination of the pregnancy, the Marie Stopes worker also raised safeguarding concerns noting that Benita had not told her mum about the pregnancy but had told her step Dad, she called Children's Social Care and was told that Benita was not known to them. They called again a few weeks later as Benita had not attended for her termination and there were inconsistencies in her counselling session. This led to a social worker making inquiries with health and education. Social care struggled with the dilemma of a young girl who was deemed Fraser competent to request a termination without her mother's knowledge vs. concerns regarding her story. Assumptions were made that her stepfather who was believed to be a solicitor (he is a legal assistant) would be DBS checked.

In March 2016 Benita disclosed to a teacher that the father of the baby was David, this was passed to the DSL who asked for a written statement from the teacher. The next day the DSL talked to friends of Benita about the disclosure then contacted Children's Social Care. It transpired that Daniela had taken Benita to Latvia earlier that day. The Police investigation and children's social care investigation now commence. There are difficulties in how this investigation proceeds with a lack of understanding on behalf of social care of the role of the police in undertaking an investigation and the purpose and procedure of an Achieving Best Evidence (ABE) interviews. Strategy meetings were held where Social care stated that this was the first time they had been made aware that David had been a Police Officer for 20 years, in fact this was shared with the first social worker during the assessment of the allegation against Juris but not recorded. Social care records indicate they felt "cut out" of the Police investigations.

Benita is made subject of a child protection plan under the category of sexual abuse. Concerns continued that Daniela did not believe the allegations Benita had made and that she was still in a relationship with David.

Overview and Analysis

Strengths and Protective Factors

Social Worker 2 discussed good and bad touch and ensured that Benita had people she felt comfortable talking to.

Police Officer 1 conducted an efficient, effective investigation with witnesses seen and time spent with Benita.

Concerns were identified by GP, DSL and Marie Stopes worker.

Risk/Harm/Danger

Sexually Harmful Behaviour procedures not followed (they do not have to be proven)

Lack of understanding regarding sexual abuse and how to respond

No assessment of risk and appropriate safety plan

School did not follow procedure for disclosure of child sexual abuse and this led to destruction of evidence and the removal of Benita to another country allowing time for pressure to be put on her to change her story.

Grey Areas

Where incorrect information about Benita have a Learning disability originated
Unclear when Children's Social Care closed the case following the first allegation (against her brother)

Whether there was an element of trafficking in this case

What(if any) were the cultural needs of this Latvian family

Complicating Factors

Step-father was an ex-police officer and at the time a legal assistant, he was professional articulate and challenging

Lack of management oversight

Difficulties with Fraser competency vs working with a mum who did not know about her child's termination

Voice of the Child

No appreciation of the impact of mums mental health difficulties and how these might have been impacting the children

Lack of consideration of Juris's point of view, he is alleged by his sister to be a sexual predator, as a consequence he has to leave the family home at a time when he is studying for his GCSE's, he is living in a foreign country with his mum who has mental health issues and her partner who he has not known for long.

If Juris did not have sex with his sister then he was let down by a lack of care, if he did then he could be a threat to other young women and is entitled to receive appropriate interventions

Analysis

There was a lack of confidence dealing a parent who was confident, professional and articulate which led to assumptions and poor assessments of risk

Poor knowledge in working with child sexual abuse leading to a failure to keep in regular contact with the child, efforts to continually explain that the abuser is not their friend and a failure to offer a lifeline for when the child understood that they were in an abusive relationship

Learning for Professionals and Multi-Agency Working

The importance of following safeguarding procedures, in this case around sexual abuse and sexually harmful behaviour

Importance of management oversight

Working with parents (step-parents) who are professional and articulate

For more information about National Reviews and learning visit:

<https://www.gov.uk/government/groups/serious-case-review-panel>

<https://www.nspcc.org.uk/preventing-abuse/child-protection-system/case-reviews/national-case-review-repository/>

Relevant Tools & Multi-Agency Responses for this case include:

KSCB Website information on Harmful Sexual Behaviour, please click [here](#)

WY Procedures for Harmful Sexual Behaviour, please click [here](#)

WY Standard for staff supervision, please click [here](#)

For more information about Local Reviews and this case visit:

<http://www.kirkleessafeguardingchildren.co.uk/kirklees-case-reviews.html>

