

CYNGOR GWYNEDD – Report to Cyngor Gwynedd’s Cabinet

Item title:	Response to offending Plan
Cabinet Member:	Cllr. Nia Jeffreys, Council Leader
Relevant officer:	Dafydd Gibbard, Chief Executive
Meeting date:	21 January 2025

1. Decision Sought:

- 1.1 Approval and adoption of the Response Plan in Appendix 1.
- 1.2 Call on the Welsh Government to establish a Public Inquiry into all the circumstances surrounding this serious offending.
- 1.3 Commission the Chief Executive to make arrangements to implement the contents of this Response Plan including establishing a specific Programme Board and to regularly report progress to the Cabinet.
- 1.4 Authorise the Chief Executive to establish and organise temporary resources and necessary staffing capacity to realise the contents of this Plan to be funded from reserves.
- 1.5 Note that the Response Plan is a working plan that will need to be reviewed regularly and in that context ask the Education and Economy Scrutiny Committee to scrutinise the Plan as part of their work programme.
- 1.6 Delegate the right to the Chief Executive, in consultation with the Leader, the Education Cabinet Member and the Children's Cabinet Member, to make minor editorial adjustments as required.

2. The reason why Cabinet needs to make the decision:

- 2.1 Although a number of the work streams set out in the attached Response Plan are already underway, the Cabinet is asked to formally adopt the Response Plan to provide assurance and clarity that our response to the offending of the former head of Ysgol Friars is being properly addressed and is a main priority for the Council.

2.2 The essence of a Response Plan such as this is that it is formal in nature, as it refers to a number of organisational issues. But, we cannot for a moment forget about the most important ones in the midst of this, namely the girls who should have been safe in their school. The whole purpose of this Response Plan and every action we take is to do everything possible to ensure that no one suffers in the same way ever again, and that should always be at the top of our considerations.

3. Response Plan

3.1 The Response Plan set out in Appendix 1 is a document that collates all support, reviews, audits and other work streams relating to the response to the offending.

3.2 All work streams relating to the case are presented in one public document to give clarity and confidence to all stakeholders that Cyngor Gwynedd is doing all it can to ensure that such a situation does not happen again.

3.3 The following is outlined in the Plan:

- Background to the situation
- statement of the Council's position,
- the objectives of the Plan setting out how the Council will go about achieving its objectives,
- details of all existing workstreams, and identification of further work streams that requires implementation.

3.4 The Response Plan also establishes governance arrangements for formally monitoring and challenging the progress of the work streams.

3.5 It is essential that neither this Response Plan nor any issue that feeds into any part of this Plan undermines any other work, such as the Children's Practice Review set up by the North Wales Safeguarding Board chaired by Jan Pickles.

3.6 In setting up the Plan, comments were invited from a number of relevant external agencies - the Children's Commissioner, the Welsh Government, the Chair of the Child Practice Review, and Estyn. We are grateful to them all for taking the time to consider the content and direction and are delighted that they have welcomed the Plan and provided very positive feedback.

Implementation and governance

- 3.7 While many of the work streams that make up this Plan are already underway, or about to commence, there is significant work ahead to realise the content of the Response Plan as a whole.
- 3.8 It is recommended that a dedicated Programme Board with an agreed Terms of Reference be established to co-ordinate and ensure appropriate and timely progress, and that the Programme Board should invite input from relevant external bodies such as Estyn, the Welsh Government and the Children's Commissioner. It is recommended that an Independent Chair or Critical Friend from outside the Council is appointed to the Programme Board, who has the relevant background and experience to enable the delivery and implementation to be challenged. The Chief Executive with the assistance of the Programme Board will report to Cabinet at regular intervals, to be confirmed in the agreed Terms of Reference referred to above.

Resources to implement the Plan

- 3.9 To date, the task of responding to this whole situation has been taken on a small number of officers and it is fair to say that that has resulted in a significant burden while also trying to continue to carry out their day-to-day work.
- 3.10 At times, it has meant that responding in a timely manner has been difficult and has created risks elsewhere as some of the Council's main issues have to receive a lower priority. It has also resulted in a disproportionate burden being placed on the shoulders of several officers.
- 3.11 If the appropriate and timely attention this matter merits is to be given, and to be able to fully realise the contents of this Response Plan, as well as being able to properly address the management of risks tied to the Council's other priorities, it will be necessary to appoint an additional resource on an interim basis as it is not sustainable to continue with the status quo over the coming period.
- 3.12 It is therefore recommended that the Chief Executive put temporary arrangements in place to ensure that as soon as possible, funding out of appropriate funds.

4. Public Inquiry

- 4.1 The Leader of the Council has already publicly stated the call for a Public Inquiry into all these circumstances. This Response Plan restates that call and the adoption of the recommendations of this report formalises that call.

- 4.2 The Council has also declared our support and commitment to the Children's Practice Review (CPR) which is currently underway and this Response Plan also reaffirms that support.
- 4.3 The Welsh Government has the statutory power to establish Public Inquiries and therefore it is for the Government to weigh the rationale for whether or not to hold such an inquiry. We are therefore asking them to reach a timely decision on this.
- 4.4 In the context of this report what is at issue is a statutory Public Inquiry established under the Inquiries Act 2005 (Inquiries Act 2005). In considering calling for a Public Inquiry in this way the Council has weighed up all the factors that a responsible body should consider.
- 4.5 The terms of reference of a Public Inquiry are established to greet its purposes compared to a Children's Practice Review which is limited in scope and period covered. A Public Inquiry would allow a much longer period to be looked at than CPR. However, while speculation is not possible, it is important to recognise that, on average, a Public Inquiry typically takes 3-4 years from its inception to the completion of its final report. As a result findings and lessons to be learned would be subject to a significant delay compared to the order of a Children's Practice Review.
- 4.6 A Public Inquiry can compel evidence and witnesses under oath. This can strengthen the collection and extraction of individuals' evidence. A CPR cannot do this in the same way. Public inquiries are significant and complex processes and take significant resources to establish, prepare and conduct. All participating agencies would have to be attributing resources and staff to the process along with professional representation over the course of the process.
- 4.7 A Public Inquiry would be a formal legal process allowed to take place through lawyers and hearings. It offers a detailed quasi-legal process that can give deep consideration to the details and background of specific events. On the other hand, the CPR process is led by independent individuals who are well-informed and experienced in the field and offers a thorough and inclusive set-up to arrive at findings. A Public Inquiry is a formal legal process that would be allowed to take place through lawyers and hearings rather than discussion and reflection.
- 4.8 There is a possibility that holding a Public Inquiry for a period of several years could lead to a challenging situation for those who would take part, including victims,

the school, staff and the wider community. Different individuals and stakeholders will have various views on this and some may welcome it as an opportunity to ensure detailed investigations into specific historical issues.

- 4.9 Having weighted up the above considerations, the Council remains fully supportive and committed to the Children's Practice Review already underway, but also calls for a Public Inquiry and asks the Welsh Government to reach a timely decision on that.

5. Other considerations

- 5.1 The Well-being of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural well-being of Wales. The act imposes a well-being duty on public bodies aimed at achieving 7 well-being goals of a Wales that is prosperous, resilient, healthier, more equal with cohesive communities and a vibrant culture where the Welsh language thrives and is responsible at a global level. The plan was prepared within the principles of the Act and the 5 ways of working.

- 5.2 In accordance with the legal duties under the Equality Act 2010 ("The Act") (including Welsh public sector duties) in decision making the Council must pay due regard to the need to (1) abolish unlawful discrimination (2) promote equality of opportunity and (3) build good relationships on the basis of the protected characteristics together and hold attention to socio-economic impacts. The Plan will be achieved by meeting our requirements under the Act and our responsibilities under the Language (Wales) Measure 2011. We are satisfied that it meets our duties.

6. Next steps

- 6.1 Receiving Cabinet approval for this Response Plan, we will immediately initiate the process of establishing a Programme Board to ensure formal governance of the Response Plan.

7. Comments from Statutory Officers

7.1 Chief Finance Officer

I can confirm that appropriate funds are in place to cope with the financial requirements referred to in paragraph 3.12 above and will advise the Chief Executive on this matter as necessary.

If the Welsh Government agrees to hold a Public Inquiry we will take appropriate steps to estimate the financial cost of that to the Council and put arrangements in place to identify sources of funding.

7.2 Monitoring Officer

I can confirm that both myself and the Legal Service have had the opportunity to provide input into the Plan. The range of actions and responses that are highlighted reflect the extent of the impact and the challenge to the Authority that has resulted from these crimes and how to deal with and respond to the victims, the inevitable questions that have arisen and identify the lessons to be learned. In addition to the plan there are also wider decisions for the Cabinet regarding the call for a statutory public inquiry under the provisions of the Inquiries Act 2005. It is important for the Cabinet, who will make a corporate decision, to have regard to this element of the report when reaching a decision. There are also decisions which, in my opinion set an appropriate framework for moving the plan forward, reporting and scrutinising the progress and keeping it under review. I can therefore confirm that I am satisfied that the decisions sought are appropriate to put before the Cabinet.

Appendices List:

Appendix 1: Response to offending Plan
