

Children's Commissioner's Takeover Challenge Scrutiny Review: Hate Crime



March 2020

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1. Why Rotherham Youth Cabinet wanted to undertake this review

Rotherham Youth Cabinet (RYC) included hate crime as one of the four key aims in their 2020 manifesto after it emerged in the top three issues following the annual “Make Your Mark” consultation with young people. Their stated aim is as follows:

“We want to ensure people understand what Hate Crime is, know how to report it and encourage reporting of Hate Crime incidents. We also want people to understand the impact Hate Crime has on victims and the potential consequences.”

They also then selected hate crime as the theme for the Children’s Commissioner’s Takeover Challenge¹ (CCTOC) which is an annual event that the Council has supported in its various guises since 2007 when it was known as the 11 Million Takeover Day. The idea is that:

“It puts children and young people in decision-making positions and encourages organisations and businesses to hear their views. Children gain an insight into the adult world and organisations benefit from a fresh perspective about their work.”

(Children’s Commissioner for England, 2015)

2. Method

A spotlight scrutiny review was undertaken by a group of young people from RYC on 12 March 2020 when they took over an Overview and Scrutiny Management Board (OSMB) meeting. Josie Brown and Sam Jones gave a short presentation to set the context then a detailed question and answer session ensued, chaired by Amaan Saqlain. RYC explored key issues with regard to responding effectively to hate incidents and provided constructive challenge to officers, schools and partners.

As part of their evidence gathering beforehand, RYC participated in a short interactive session with the Community Safety Team. This provided them with an overview of hate crime in Rotherham, including mechanisms for reporting incidents and local initiatives to address hate crime. Discussion had also included the harms resulting from hate crime for individual victims and on the wider community. A planning meeting followed to develop the young people’s key lines of enquiry and broad questions and to determine who they wished to invite as witnesses. The Early Help and Family Engagement Team facilitated this CCTOC work with support from Cllr Steele, Chair of OSMB and the Governance Unit.

RYC and Elected Members would like to thank everyone who attended for their participation in this review and for their contributions to the debate. It was pleasing to have representation from partners and schools as well as the Council to support the Takeover Challenge and engage with young people on this important issue.

3. Context

The Safer Rotherham Partnership (SRP) is a multi-agency community safety partnership with statutory responsibilities, established under the Crime and Disorder Act 1998 to “make Rotherham safe, keep Rotherham safe and to ensure communities of Rotherham feel safe.” It has a number of core priorities; one of which is *Building Confident and Cohesive Communities*. Within this overarching priority a specific objective area is *Preventing Hate Crime*.

3.1 Definition of a hate incident or hate crime

The SRP has adopted the following definition to classify hate incidents.

“Any incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on:

- Disability
- Race or ethnicity
- Religion or beliefs
- Sexual orientation
- Transgender identity”

Any hate incident that the police can record as a crime is categorised as a hate crime. Hate-motivated crimes will result in uplifted sentences, such as longer prison terms, as they are classed as aggravated offences which have a higher maximum sentence than for the basic form of offence.

3.2 Hate crime statistics

Numbers of hate crimes and incidents are recorded disaggregated into the five equality strands outlined in the definition above. Data presented at the time of the CCTOC showed a similar overall trajectory in numbers to the previous two years. 622 crimes/incidents (2017-18) and 653 (2018-19) had been recorded and the total for the six months to September was 337. Although no real patterns may be discerned from the data, over two thirds of hate crimes/incidents over the period were racially motivated. In addition, it is noteworthy that 44 disability-related hate crimes had been recorded in the first six months of 2019-20 compared to 50 and 56 respectively in total for each of the two previous years.

Nevertheless, as under-reporting is acknowledged as an issue, the actual number of hate crimes occurring is not known, although between 40 and 60 are reported each month, plus hate incidents. Reasons for not reporting include people not feeling it was important to do so, lacking confidence to report or in the system, fear of repeats or repercussions, thinking they will not be believed, or not wanting anything to happen in relation to the incident.

3.3 Reporting mechanisms

Rotherham has a clear hate reporting pathway in place encompassing direct reports to South Yorkshire Police (SYP) and reports coming indirectly via the Council, Community Reporting Centres or Crimestoppers. Joint work between the Council and the Police takes place at neighbourhood level in the case of any repeat or vulnerable victims. Appendix A contains a flowchart summarising the pathway.

Ten partner agencies act as third party reporting centres for community signposting and reporting and link to the police through the Operation Solar email address (see Appendix B). These organisations help to encourage reporting as people may be more confident to report to a community organisation with which they are familiar rather than going directly to the police.

3.4 Police Hate Crime Co-ordinator

SYP has a dedicated officer in post whose remit includes working with schools and colleges to educate young people about the resulting harm and consequences of hate and prejudice. Another facet of the role is working to improve standards through training for

police officers and staff and provision of specialist advice, as well as gathering local intelligence and monitoring tensions.

3.5 Local initiatives

Community based action to tackle hate incidents/crimes focuses on three broad elements:

- ❖ Prevention by challenging the attitudes and beliefs that can develop into hostility and prejudice
- ❖ Increasing trust and confidence to report
- ❖ Improving support for victims

Joint work between the Police Hate Crime Co-ordinator (HCC) and community groups takes place to raise awareness about hate crime and help build community confidence to report incidents/crimes. Other specific initiatives include:

- Restorative Justice
- Independent Hate Crime Scrutiny Panel – provides challenge to the Council and SYP
- REMA Hate Crime Project – engaging the wider community
- Work in schools – Harms of Hate work/Curriculum
- Communication and events like RYC's Cultural Awareness Extravaganza in October 2019
- Rotherham United Community Sports Trust – KICKS project and educational, sport and team building sessions with young people

4. Findings

4.1 Speed of response and communication following an incident report

Reassurance was given that as a partnership issue hate crime was viewed as serious and a high level priority. SYP hoped to respond very quickly when an incident had been reported and the protocol called for a response within 24 hours, although that was not always possible. An incident log would be created, the incident allocated to an officer and a plan agreed with the victim in terms of the frequency for contacting them about what was happening (more detail on the process is in Appendix A). The desire to be kept informed on progress did vary greatly from person to person. The actual investigation may take a while if it was hard to obtain evidence, therefore at times it may be a few weeks before there was an outcome.

4.2 Training for police officers and Council staff

This was an area the RYC were keen to explore as they felt it was important that officers understood all the issues involved in order to be effective in recording and handling cases. The HCC delivered some officer training directly and confirmed that all new police officers undergo in-depth training in the early stages of their career. They received specific input on hate crime awareness, making them realise there was much more to it than people tended to think and that it went beyond racism. The intention was that officers apply their learning on a daily basis and this should manifest itself in their crime reports and the way in which officers dealt with issues.

Refreshers were also in place for long standing officers and could be via online training packages which they could complete between jobs. This was deemed quite effective as it did not take them away from the work for too long as it could be done in stages. Fairly

regular refreshers covered all aspects of policing, such as the law and legislative changes, to ensure officers remained up to date, which was important.

Within RMBC it was a similar approach with a corporate process in place for staff to report incidents, either experienced themselves or if victims reported an incident to them. The young people probed as to whether the training would draw out the distinction between hate crime and banter/a joke. The HCC was aware that people making hateful comments towards others tried to pass them off as banter and a joke when they were really not and it could be a fine line where banter overstepped the mark. Nevertheless, if someone was receiving so called banter because of their race, religion, disability or sexuality that was unacceptable and needed to be challenged as it was very different for example, to making mean comments about being either a Sheffield United or a Sheffield Wednesday fan. On this issue, the Rotherham United Community Sports Trust website featured video clips covering each of the five protected characteristics of hate crime, from the angle of banter once it became no longer funny, which was a good resource.

4.3 Representativeness and diversity within SYP

Although SYP viewed itself as a diverse organisation, it was accepted that the force needed greater representation from certain ethnic groups. The workforce included Black, Asian and Minority Ethnic (BAME) officers, lesbian, gay, bisexual and trans (LGB&T) officers and disabled officers. The key was to remain diverse and inclusive and to improve.

A follow up question asked whether measures and procedures were in place to tackle any discrimination that may already exist within the force. It was reiterated that as SYP was an all-inclusive organisation the hope was that no discrimination occurred and any that did would be challenged very quickly. No particular examples were given but it was stated that more BAME officers and female officers were on the promotion ladder and more disabled people working within the organisation than ever before.

4.4 Education and awareness raising

Recognising the importance of this both in schools and within the wider community, for example to counter any fears that people had about others who were not the same as them, the young people were keen to learn more about this area of work.

It was reported that schools could be quite difficult to get into and in part this was due to fears around Ofsted inspection outcomes if things did not look so good. However, SYP had been into approximately 40-45% of schools within the area, predominantly secondaries and colleges, rather than primaries. They offered a bespoke interactive training and awareness package specifically aimed at young people but as a Crown Prosecution Service training pack had also been distributed to schools some may elect to do that first.

The HCC was happy to go into any school, on multiple occasions if required, to work with the students but also with young people who ended up being offenders or perpetrators of hate crimes. Rather than starting to prosecute people of a young age, they could be offered one to one education sessions as part of their community resolution/restorative justice. It was important that people understood what words really meant as they did not always appreciate the effect on other people. Nevertheless, from his experience, young people tended to have greater understanding of these issues and were more accepting than people from other age groups. The key was getting people to think more deeply about what things meant.

Coordination and links were also in place between this work and that in schools around harms of hate. Work had been undertaken with young people expressing more extreme views, who were at risk of being manipulated and taken down the wrong route, before it had become a major issue, with a written remedy process.

The Chair of Rotherham Schools Forum said no incidents had been reported at her school, which was a primary, but they had a mechanism in place. In primaries issues would be covered in the Personal, Social and Health Education (PHSE) curriculum and there was also anti-bullying week, so opportunities existed to feed in about impact. Work could take place with secondary colleagues to make the links to support preventative work.

The Community Safety Officer confirmed the importance of enforcement but qualified this by saying how it needed to be appropriate and proportionate, with education and awareness raising also needed.

The young people linked education and awareness raising back to the issue of freedom of speech versus hate speech, commenting that if people's views were suppressed this could lead to them becoming shut off and that although people's opinions could not be controlled they could still be challenged.

The Assistant Director for Early Help and Family Engagement commented that policy under the legislation allowed a zero tolerance approach to discrimination but there was still a need to work with and educate people in order to create an inclusive, cohesive society. People may have displayed unacceptable behaviours but by working with them you could change people and it was how to strike the balance which was a challenge. Various skills and approaches could be utilised and everyone would have their own individual values but this would be an area he would be interested in exploring further. Good work by the voluntary and community sector was highlighted and the need to involve them in any future work. Within Children and Young People's Services, a number of specific "interest in identity groups" including LGB&T+, disability, BAME groups were established. Several of these groups created a safe space for some people in the short term, until they felt confident to challenge. It was vital to work with those groups as well because there would be significant learning from their experiences.

4.5 Specific work on disability-related hate crime

Although the figures for the year to date showed a likely increase for the year, disability was probably one of the more under-reported strands, as in many cases people did not understand that what was happening to them was hate crime. The HCC worked with many disability groups in Rotherham and delivered awareness raising with staff and service users and assured people they would be listened to if they reported. Not all disability was visible, for example autism or learning disability, hence the importance of working with the local support groups.

A new South Yorkshire wide Autism Alert card had recently been introduced for people on the autistic spectrum or awaiting diagnosis. The card included details about the person, their particular traits of autism and how best to communicate with them. People could register their card with the police who would then be aware of what would cause the person distress. For people with learning disabilities, police officers were aware of how to speak with people and would use easy read documents or diagrams to explain things and provide reassurance.

In schools, it came down to prevention and to accepting differences and diversity in education. Most primary schools had a very clear taught curriculum that addressed those issues, in addition to informal opportunities for children to debate and consider things experienced in their own lives. This would equip them with the tools and understanding of the wider world and issues that other people may experience.

An example was given by one of the young people from a talk at Winterhill School on hate crime that had included disability. This was of a blind person shopping with their carer where the staff completely ignored the customer and spoke only with the carer, even about the nature of the person's disability. Officers were asked what was in place to support people with sensory disabilities. It was agreed that overlooking somebody in the manner described was very depersonalising and even embarrassing in many cases. SYP would hope officers were suitably trained to understand that a person could have a condition that would prevent them from carrying out functions most people took for granted. Although it would be difficult to educate everybody, and more so in the private sector than the public sector, it was evident that education and awareness raising work needed to continue.

4.6 Procedures for dealing with on-line hate incidents

As many young people spent a lot of time on-line, another concern raised was with regard to the increase in very offensive "jokes" regarding race, disability and sexual orientation.

Cyber or on-line hate crime and online bullying were becoming more prevalent as people could hide behind their keyboard. Reassurance was given that on-line hate crime was treated exactly the same as other forms of hate crime and was just as serious as face to face. One difficulty was people committing these offences could be in different countries and although people believed they could not be traced IP addresses from computers and phone numbers could be traced and with social media on phones people could screen capture evidence. Where physically possible the police would follow up and deal with such incidents. Specialist departments dealt with the technological side if necessary, to interrogate systems.

4.7 Anonymity when reporting hate incidents

The young people asked what could be put in place to give them anonymity when reporting incidents, which potentially might encourage more reports. Officers confirmed that anonymity made it difficult to deal with reported incidents or crimes, for either a prosecution or an educational programme. If a crime had been committed and the person who reported did so anonymously it would never be approved by the Crown Prosecution Service to take to a prosecution without a person there making a complaint.

However, as it was appreciated that for some people anonymity was important, in Rotherham this had led to the creation of the Operation Solar email address referred to above, enabling people to email about a hate crime or incident totally anonymously. Such messages to this email address would be used as local intelligence by SYP including analysis for patterns or trends.

The Community Safety Officer issued a very simple message: "report, report, report" to help build the local picture. He referred to incidents at a public house reported anonymously which led to interventions that solved the problem without anyone being named.

4.8 Media reporting

RYC raised their concerns regarding how this varied depending on the respective personal characteristics of the victim and the perpetrator and wondered how this difference in reporting could be prevented.

The general view was that the media had a job to do to create headlines but the way they presented some of those headlines created negativity in many cases and had a knock on effect. One example cited that was used in the awareness raising sessions was how the media portrayed issues regarding ISIS in a manner that caused division and hatred. Media coverage made it harder to tackle issues but was difficult to control, although those headlines needed to be challenged. It was vital for people to think about the way in which things were written and to recognise things were not necessarily true as presented. Different media also reported issues in very differing ways, for example immigration and migration. Challenging perceptions and ensuring usage of the correct terms to describe issues was crucial.

The young people inquired if regular meetings took place with the local press, or if there had been any challenge, particularly as quite often negative stories appeared and good news tended to be less prominent. In response, it was confirmed that SYP Command Team had met with the press and challenged them as they needed to take responsibility for what they wrote but SYP also needed to build that relationship with the press.

In terms of far right and terrorist reports, there would be headlines in the news in relation to events elsewhere. If the police identified something as terrorist-related it should be reported as such and if not, it should not be, as it could have a negative, far reaching impact within local communities. Identification of issues quickly was key and making sure the right messages were sent out to communities.

4.9 Distinguishing between an act of terrorism and a hate crime

This question was prompted by the recent stabbing of a muezzin in a London Mosque which had not been classed as a terrorist act. Officers stated that the distinction came down to the mindset of the perpetrator and their intentions when they set out to do something, as a terrorist act could also be a hate crime whereas a hate crime was not necessarily a terrorist act. An act of terrorism would be recorded as a hate crime if it had targeted somebody for their specific beliefs or other characteristics.

In terms of press coverage, information needed to go out to the public, but needed to be the correct information. The incident referred to had quickly been ruled out as a terrorist attack and this conclusion would have been based on the wider information behind it. With regard to procedures for dealing with terrorist incidents compared with hate incidents, in a terrorist incident ground level police would have very little involvement, other than at the start, as it would be dealt with by specialist departments.

4.10 Concerns regarding using public transport

Although the young people raised the question of people being fearful of using public transport, SYP were not receiving many reports in this respect, although they were aware of some incidents. They worked closely with all the transport companies within South Yorkshire, who all had a training package on recognising and identifying incidents and how to deal with them and the British Transport Police had dedicated transport officers. Reference was made to an issue that had been happening on buses which had been dealt with successfully. Although the number of incident reports was low, probable under-reporting was acknowledged and young people were encouraged to report any incidents.

4.11 Hate incidents directed at taxi drivers

RYC were concerned that a number of taxi drivers had experienced hate incidents in wake of the cases of child sexual exploitation in Rotherham and inquired about available support from RMBC and the Police.

The Council had recently reviewed its private hire licensing policy and people's views on this issue had fed into the consultation around the development of that policy. Taxi drivers were very clear in relation to experiencing incidents at significant levels and in some cases their families were feeling in danger and experiencing hate crimes and victimisation as a result of their association with taxi drivers. In 2015 the policy had been changed and at that time had probably centred on protecting the public but now it would be more focused on protecting individual drivers as well as the public, after listening to feedback from the trade, family groups and another representative groups.

Other plans included potential enhancement of the camera systems within licensed vehicles and placing a duty on taxi companies that they would have to act in a manner that did not encourage any discrimination. For example, if somebody were to ring a taxi firm and ask for a driver who was White British, the expectation would be for such a request to be refused by the company. Signage within vehicles was also being looked at and possibly a warning inside the car might be appropriate to make it clear that people were being video recorded and that any behaviour in the vehicle which could be perceived as a hate crime or any other kind of crime would be referred to the police by the Council. Licensing worked closely with the police and there had been instances where camera footage had been requested and provided speedily, which allowed the apprehension of the perpetrator. Such information had been used in prosecutions and ensured convictions for offences against taxi drivers.

Taxi drivers were encouraged to report hate crime. One of the requirements of being a taxi driver was to attend safeguarding training, which included hate crime - recognising the signs of hate crime and how to report it but also how to act if you were a victim of hate crime whilst driving the taxi. Other suggestions were welcomed from the RYC but the service was confident that progress had been made.

RYC commented that in parts of the community there was a perception that taxi licensing in the Council was racist and the young people queried how this was being addressed in order to combat those perceptions. Assurance was given that action would be taken if any staff acted in this way but there was no evidence to show people had acted in a racist manner and public records existed of decisions and the reasons why they had been taken. A system of checks and balances was in place to ensure correct decision making and any decision to revoke a licence was made by a group of five Elected Members not by individual officers. Following a revocation decision there was the opportunity to go through an appeal process, with the decision reviewed by the Magistrates Court in the first instance and overturned if there was any suggestion it had been wrong.

Further assurance was provided by the Cabinet portfolio holder for equality that zero tolerance existed regarding any form of discrimination within the Council and any examples would result in strict action. Clearly there was a need to engage with the community to address these perceptions and it was important to work with the taxi trade to ensure balance, transparency and accountability. If there were any examples these should be brought forward for investigation.

4.12 Building relationships between communities and with the police

Issues within some communities and inter-group issues were acknowledged. Besides officers going into schools as described above, local community policing teams went to speak with many different community groups in Rotherham. Some people did fear and mistrust the police; therefore, the onus was on the police to ensure they were breaking down those barriers and also building bridges between Rotherham's many communities.

Proactive work had taken place at one particular school and the students had been out doing six week mini projects and workshops with Rotherham United Community Sports Trust, looking at differences, but more importantly, similarities between different community groups. In addition to sports and beat boxes, work was done around team and trust building with everybody together.

5. What young people could do to help improve the situation in Rotherham

5.1 Reporting, challenging and engagement

It was vitally important for young people who had witnessed or experienced something to come forward and report it and if not confident enough to do so directly, through one of the third party reporting centres. Another important message was "don't be a bystander – challenge" if something was not right.

As RYC had clearly identified hate crime as a priority, the young people were encouraged to tell the Licensing Service if they thought the service had got things wrong or had suggestions for how things could be done better, either directly or through the Youth Cabinet. Feedback was welcomed on issues from the community regarding licensing decisions and to build that confidence.

Cllr Alam appreciated that the focus of the young people was on social justice and equality and suggested that the RYC could potentially forge links with the Independent Hate Crime Panel and for young people's views to be captured through engagement with the police and Council.

The HCC reiterated his earlier point about young people having a good understanding of the issues and as future decision makers those attitudes and ideas would be shared with the next generation. This would be a positive longer term impact.

RYC themselves suggested that young people should speak up about it a great deal in a way that shocked people and also brought about action from organisations.

5.2 Involving young people in awareness raising and communications

RYC raised the potential merits of young people of around the same age as the target age groups going in to work with them to help get the messages across, which might have greater impact than someone who was older.

The challenges involved in having young people of a similar age who were suitably versed and knowledgeable in this complex subject to do that were debated. Overall there was a view that potentially young people could work alongside some of the adults as peer educators, having that combined experience and knowledge and adding value to the work. Support would be necessary for the young people to be able to do that, both in collaboration or until the point where they had the trust and confidence to be able to do that work themselves.

The Chair of Rotherham Schools Forum was interested in the idea of peer mentoring education in primary school, perhaps with slightly older children talking to the older primary children, with the power of hearing something from another child or a young person. If anybody who was a victim of hate crime was brave enough with support to share that information with children in her school that would deliver a far more powerful message about the impact of that behaviour than from their class teacher speaking about it.

6. Conclusions

It was evident that good work is taking place in Rotherham to raise awareness about hate crime and to challenge attitudes and behaviour and this needs to continue and develop further. Similarly, with initiatives to encourage people to come forward and report incidents. Clear pathways are in place and once an incident has been reported it is important to provide effective responses and support, in line with the wishes of the victim. It also helps to strengthen community confidence when people see clear, meaningful action has resulted following them reporting an incident. The balance to be struck between punitive action and educational intervention emerged during the scrutiny session, especially when working with young people.

Although the performance data indicates that the number of hate incident reports tends to increase following a drive to encourage reporting, the statistics show a fairly consistent numbers of hate crimes over the thirty month period. Under-reporting is still perceived to be an issue, in particular for disability-related incidents.

Media coverage of events and issues was a clear concern shared by participants in the scrutiny session as it often created divisions and tensions in the community. It was recognised that this was difficult to control, certainly at national level although there might be scope for more liaison at local level.

Licensing recognised the legitimate concerns raised in respect of hate incidents experienced by taxi drivers and their families which have fed into the revised policy and other potential measures which could be introduced to protect drivers.

As RYC and partners listened to and reflected on the responses to questions as the meeting progressed, this triggered several positive ideas that could be taken forward by partners, together with potential actions for RYC to consider undertaking themselves.

7. Recommendations

To be developed with RYC

8. Thanks

Councillor Alam

Deborah Ball – Rotherham Schools Forum

Chris Nicholson – South Yorkshire Police Hate Crime Co-ordinator

RMBC – Sam Barstow, Sarah Bellamy, Matt Ellis, James McLaughlin, David McWilliams, Steve Parry and Alan Pogorzelec

Thanks also to other members of RYC who were involved in the preparation for the spotlight review.

9. Background papers and references

- Minutes from OSMB Children's Commissioner's Takeover Challenge 12/04/2020
- Rotherham Youth Cabinet Manifesto 2020

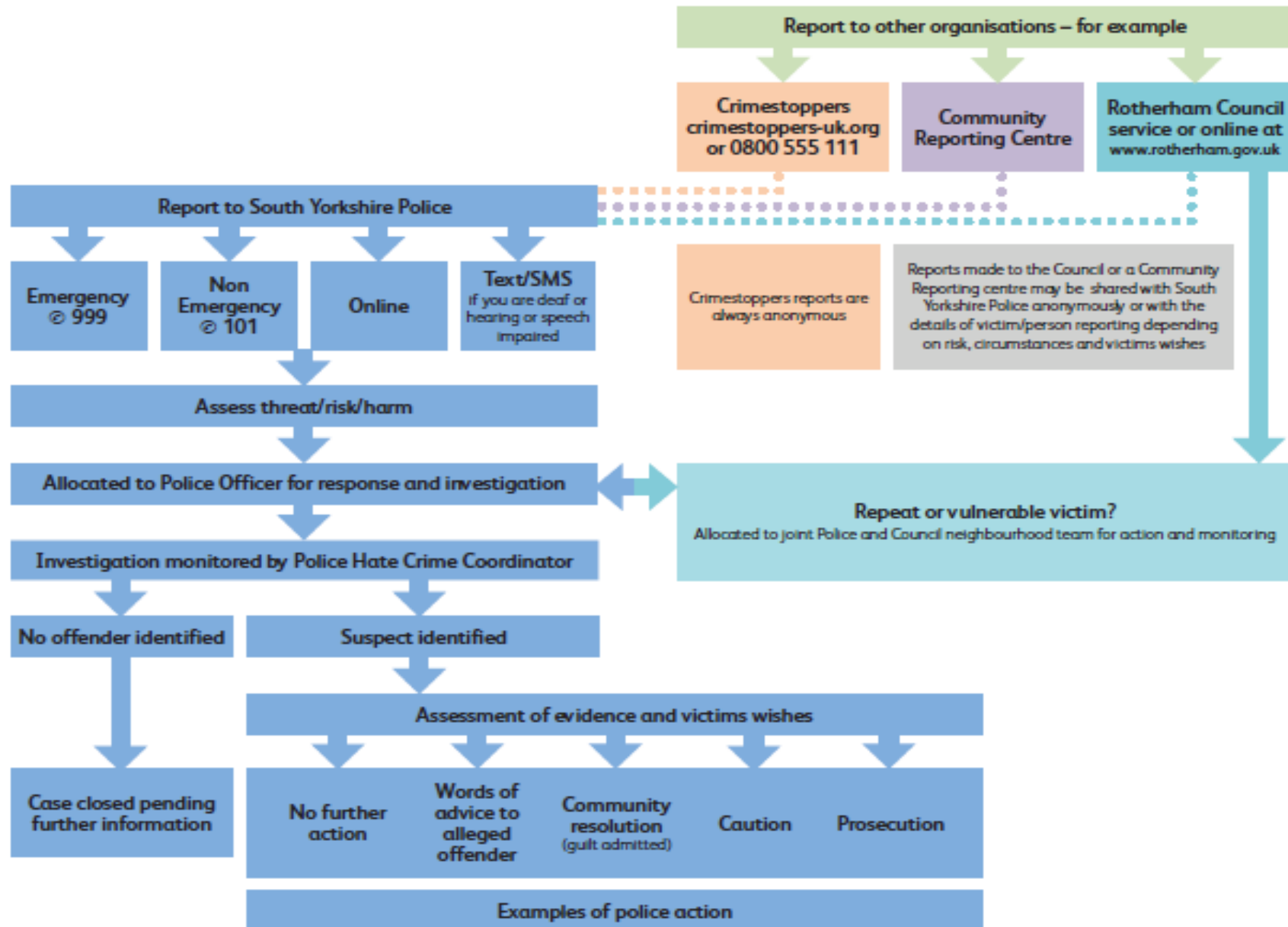
References

1 Children's Commissioner's Takeover Challenge

<http://www.childrenscommissioner.gov.uk/learn-more/takeover-challenge>

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