

REPORT TO THE CHILD CARE SUB-COMMITTEE

14 JUNE, 1991

REPORT OF THE DIRECTOR OF SOCIAL SERVICES

"THE PINDOWN EXPERIENCE AND THE PROTECTION OF CHILDREN"- INITIAL RESPONSE

1. Purpose:-

To propose a preliminary response to the Levy/Kahan Report with a draft action plan to respond to the report proposals. (Appendix 1.)

2. Background

2.1 On the 29 June, 1990 Mr Alan Levy QC and Mrs Barbara Kahan OBE MA (Cantab) M (Univ) were appointed by the County Council to conduct an independent enquiry.

2.2 The terms of reference of the enquiry are set out in Appendix (2).

3. Matters for Consideration:

3.1 That the practices outlined in the report under the general heading of "Pindown" have no place in a Social Services Department there can be no doubt. They have no basis in social work methodology, are not acceptable within social work and social services codes of practice and ethics and offend against basic principles of human rights.

3.2 While it is right to support families and endeavour to prevent family breakdown whenever appropriate, the paramount consideration must be what is in the child's best interests. Thus "care" must never be portrayed as a negative experience to be avoided at all costs. For many children and young people it will probably be a temporary or permanent relief from abuse, damaging relationships or overwhelming family stress. It can and should be helpful for both children and parents but will only be seen in a positive light if provided with skill and compassion and given full acceptance of parental responsibilities by the Council while the child is in our care. This must be expressed through the quality of the living environment, including attention to proper physical care, education and health, and through the provision of sufficient time and skill to devote to individual children and young people and their problems.

3.3 The provision of residential care should be part of a placement strategy for children and young people. This in turn should be part of a wider strategy for children's services embracing preventive and supportive services for families, diversion from Court and alternatives to custody, and incorporating counselling and more specialist treatment for children who have been seriously traumatised or damaged by their experiences.

3.4 Thus our response to the Levy/Kahan report requires a review of our entire approach to the structure and management of services to children and families, to the roles and skills of managers and practitioners within these services, and to the level of resources available to them. It also raises questions regarding the role of Members in determining policy, priorities, service standards and resource allocation and consideration of how committee structures, practices and information to members might best facilitate that role.

3.5 Our response to the report must also take into account the Children Act 1990 (to be fully implemented on the 14 October, 1991). The requirements of the Act will in fact underpin many of the report recommendations. They also carry many significant additional resource, structure, skill and management implications, which flow from fundamental changes in court practices and local authority obligations, powers and duties.

3.6 Response to the Report carries the further requirement to consider the wider context of the changes in the National Health Services and Community Care Act, 1990 and our developing responsibilities in providing services to adults.

3.7 The report has obvious implications for a number of staff and young people.

(a) In the case of specific staff, these will become clearer through the detailed work of the recommended special sub-committee. It can only be repeated here that it is clearly in the interests of the individuals and of the Department to resolve their future as quickly as is consistent with proper conduct of such serious matters.

The wider staff implications involve recruitment, staff development, support and management and are addressed in the draft action plan

(b) With regard to the young people, many of whom are no longer in contact with the Department, there will be a careful analysis of approaches to the NCH Staffordshire Care Line; to establish what further help may be needed. Where we are still in contact with individuals, there will of course be direct follow through.

3.8 It should be noted that investigation of the activities of "Fundwell" by the District Auditor is continuing and his report will also need to be considered at the appropriate time and incorporated into any plan of action established now.

#### 4. Proposals for Action:

4.1 It has to be said that the majority of the Inquiry Report recommendations reflect widely accepted good practices based upon research evidence and experience. Sadly, such practices have not been the norm in Staffordshire Social Services. Some eight of the recommendations have implications for Central Government or for other agencies such as the Police, Fire and Crown Prosecution Services.

4.2 In summary, the proposed draft action Plan which is set out in full in Appendix (1) includes short, medium and longer term responses which address the issues referred to in 3.1 - 3.7 above. These responses include:-

(a) immediate contingency plans to maximise existing resources, limit damage in the short term and ensure continuation of services at minimum acceptable standards. These are the subject of a separate report to this Sub-Committee on the management of residential care for children. (Appendix 3)

(b) in the medium term to focus and make better use of existing resource;

(c) in the longer term to establish plans and strategies to bring departmental performance to a satisfactory level and to address new responsibilities. This clearly carries significant new resource implications.

4.3 It is suggested that the essential elements of our response to the report and reconstruction programme are as follows:-

(a) an organisational structure which facilitates clarity of roles and responsibilities, delegation of decision making, high quality line management support and supervision, effective planning and development (including staff planning and development), effective service delivery, quality assurance (including inspection and monitoring) and effective implementation of the Children Act 1989 and the National Health Service and Community Care Act 1990;

(b) an integrated staffing and staff development policy, including adequate staffing structures and effective workload management systems;

(c) open management with good information and communication systems and clear criteria for decision making. This should obviously include accurate and sound information and advice to members;

(d) norms and ethics of practice formally accepted and endorsed by Members, formally communicated to staff and enshrined in all management and supervisory practices, departmental procedures and training programmes. See BASW Code of Ethics and SCA Code of Practice (Appendix 4)

(e) established service standards and criteria for access to services which have a realistic relationship with available resources, and are coupled with consistent monitoring and regular evaluation and reporting to members;

(f) simple, clear and accessible policy and procedural reference documents for staff and a scheme of delegated powers which takes decision-making as close to the service users as possible and is unequivocal about budgetary control responsibilities;

(g) an infrastructure adequate to support individual case planning and care management, monitoring and evaluation, proper financial

control and provision of regular accurate statistical information for planning purposes.

5. Recommendations:

5.1 It is therefore recommended that members:-

- (a) endorse the Draft Action Plan set out in Appendix (1);
- (b) receive further reports in-line with the timetable set out in the Draft Action Plan
- (c) agree the proposals for interim arrangements for management of childrens residential units (Appendix 3);
- (d) adopt the BASW Code of Ethics and SCA Codes of Practice as the ethical and good practice basis framework for the provision and development of services in Staffordshire.

No	Action	Inquiry Report Recommendations.	Children Act	NHS and CC Act	Report to Decision By	Action by	Action Date
1.	<p>Review the structure of the department to deal with issues of accountability, spans of control, expertise in support and supervision; to facilitate communication and sharing of information; to establish integrated staffing and staff development strategies to establish planning, monitoring, evaluation and inspection processes; and to maximise resources.</p> <p>(a) outline principles and proposals</p> <p>(b) consultation with staff, council members and professional associations.</p> <p>(c) finalise and implement.</p>	<p>23.31 23.42 23.43 23.47</p>	<p>✓</p>	<p>✓</p>	<p>Social Services Committee</p>	<p>D.S.S. 19.6.91 D.S.S. 25.6.91</p>	
2.	<p>Develop an integrated placement strategy for children and young people.</p> <p>(a) Establish interim management arrangements for residential child care units together with appropriate support and consultation.</p> <p>(b) Implement interim management arrangements for residential child care units and provide briefing for residential staff.</p> <p>(c) Review and develop an operational brief for each residential child care unit. Progress report.</p> <p>(d) Review and propose new staffing structure(s) for residential child care units.</p>	<p>23.15 23.27 23.39</p>	<p>✓</p>		<p>Child Care Sub Committee</p>	<p>D.S.S. 14.6.91 AD (C&amp;F) C.C.C. D.S.S. 15.10.91 D.S.S. 16.12.91</p>	

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(e) Establish overall strategy for children in care including family placement. Interim report.

(f) Provide appropriate professional support to residential child care staff. Proposals.

(a) Adopt the BASW Code of Ethics and the Social Care Association Codes of Practice. Incorporate within contracts and conditions. Promote through staff supervision and training.

(b) Implement above proposals

Review the present complaints procedure for Staffordshire's staff, foster carers and children and young people and amend, as appropriate.

Review present arrangements and guidance relating to the control of visitors to establishments and placement of children in accommodation. (Guidance issued April 1991).

(a) Issue written instructions to all residential staff, to include the requirement to record details of all visitors in the daily log.

(b) Reinforce these instructions through the management/supervision process.

Issue clear written instructions to all staff regarding the approval of lodgings and the placement of young people in lodgings or similar accommodation.

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Child Care Sub  
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Relevant  
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8.	Establish clear records of approved lodgings and other accommodation for young people as an integral part of family placement provision	23.22	✓	DGM's	15.7.91
9.	<p>(a) Establish basic requirements for the physical well-being and maintenance of good health of children in care. (Guidance issued in April 1991).</p> <p>(b) Reinforce these requirements through the management/supervision process.</p>		✓	Relevant Line Managers	Immediate
10	<p>(a) Review the process of statutory visits (i.e. those undertaken by officers as required by S.3 (2) of the Community Home Regulations 1972) to residential child care establishments and agree a framework for such visits including issues to be scrutinised.</p> <p>(c) Ensure that statutory visits are undertaken on a variable pattern, by suitably qualified and experienced personnel, and ensure that they refer to previous statutory visit reports covering a minimum of six months.</p>	23.2 23.3 23.6 23.7 23.8 23.9	✓	AD(C&F) C.C.C. Mangmt. Team	15.7.91
11	Review the role of rota visits by members in relation to residential child care establishments.	23.38	✓	D.S.S.	16.12.91
12	<p>(a) Co-ordinate current guidance to residential child care staff regarding their responsibilities for the maintenance of appropriate records, and reinforce through training, supervision and monitoring. (Included in several current procedures and guidance documents).</p> <p>(b) Review current guidance in respect of the use of 'measures of control' and the recording of its use.</p>	23.3 23.4 23.5	✓	AD(C&F) C.C.C.	29.7.91
				AD(C&F) C.C.C.	29.7.91

(c) Reinforce (a) and (b) above through routine training programme.

Write to Department of Health drawing attention to those issues which require central co-ordinated action.

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Training Section Immediate

While awaiting Central Government amendments to the law regarding 'control and discipline' of children in residential establishments, interpret current guidance in language which is easily understood by staff.

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AD(C&F) 29.7.91  
C.C.C.

(a) Identify the Assistant Director (Children and Families) as the senior manager responsible for ensuring that the education, career development and working life of all children in care are systematically reviewed.

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AD(C&F) Immediate

(b) Establish clear liaison between the Assistant Director (Children and Families) and the nominee of the Education Department with responsibility for these issues.

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(c) Remind all line managers with responsibility for children in care of their duty to consider these issues in the development of Care Plans.

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and relevant line managers

(d) Produce the First Annual Report

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AD(C&F) July 1992



16	Ensure that all members of staff are made aware of their precise roles and responsibilities, through a clear departmental structure and organisation and the provision of job descriptions.	23.29	✓	✓	D.S.S.	Within timetable agreed for implementation of any structural changes.
17	Negotiate arrangements with the Staffordshire Constabulary for access to information regarding possible sex offenders.	23.17 23.18	✓		AD(C&F)	30.8.91
18	Arrange joint (SSD Fire Service) site visits to all residential child care establishments to agree which doors and windows may/may not be secured as a means of maintaining reasonable control or security.	23.19			AD(C&F)	30.8.91
19	Ensure that, at all stages of any organisation change, staff at all levels of the department are consulted.	23.28	✓	✓	D.S.S.	Immediate and on-going
20	(a) Analyse existing workloads and priorities. (b) Estimate additional workload implications of new legislation. (c) Develop a system to monitor current and future workloads. (d) Progress report and recommendation.	23.30	✓	✓	C.C.C. Mangmt team Mangmt team D.S.S.	31.7.91 16.12.91 June 1992 June 1992
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21	Develop an integrated recruitment and staff development strategy to attract professionally qualified and experienced staff to Staffordshire, to include a review of advertising techniques, salaries and Conditions of Service. Progress Report.	23.32 23.33	✓	✓	Child Care Sub-Committee	D.S.S.	16.12.91
22	Establish a system of staff meetings and communication which facilitates the effective exchange of information and views throughout the department. Report for information of Committee.	23.35	✓	✓	Child care sub-committee	D.S.S.	15.10.91
23	Develop a strategy for ensuring the free flow of information between officers of the Social Services Department and members of the S.S.C.	23.37	✓	✓		D.S.S./ Chairmn	31.7.91
24	Review the function and role of the present Social Services Committee structure, Report to Committee.	23.38	✓	✓	Child Care Sub-Committee	D.S.S./ Chairmn	16.12.91
25	Establish with the Clerk and Chief Executive a system of regular review of the working relationship between staff of the two departments.	23.42 23.43 23.45	✓	✓		D.S.S.	30.8.91
26	(a) Ensure that effective supervision and professional support is provided for all staff in residential child care establishments and monitor its implementation.  (b) Develop staff skills through the line management process and training programmes.		✓	✓		D.S.S.	

(c) Progress Report.

27 Develop and establish a sound system of financial management and information which ensures effective budgetary control and informs the preparation of estimates.

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## Appendix 2

# STAFFORDSHIRE CHILD CARE INQUIRY

## Terms of Reference

### General Terms of Reference

1. To review the treatment and care of young persons at 245 Hartshill Road, Stoke-on-Trent, at "The Birches", Newcastle-under-Lyme, and at any other location where the practice known as "pin down" may have been used.
2. To consider any participation by young persons in care in the activities of undertakings not owned by the County Council and known as "Fundwell" and to consider the need for any further investigation of the general activities of such undertakings and their relationship with the County Council and to recommend or carry out such investigation as may be required.
3. To ensure that complaints received relating to the matters mentioned in paragraph 1 are thoroughly investigated and considered and are seen to have been so investigated and considered.
4. To draw out the strengths and weaknesses and legality of the practice and procedures in use in relation to the matters mentioned in paragraphs 1 and 2.
5. To reach conclusions and to make any recommendations necessary to allay public concern and maintain public confidence in the Social Services Department and its protection of the interests of children and young persons and of the public.

### Particular matters for consideration

6. The establishment of methods of working which take full account of the need to obtain full and accurate information on all matters under review, whilst at the same time ensuring necessary consideration and protection of the interests of children in care, complainants and staff.
7. The collection, collation and consideration of all items of written evidence including court records, case papers, records of residential establishments, reports of visits to homes and management records of the Department and Council.
8. In relation to the practice known as "pin down":-
  - (a) The nature of the practice, the amount of staff contact and the nature of engagement, and the way the practice varied over the period it was used.
  - (b) The places and periods over which the practice was used.
  - (c) The nature and extent of any psychiatric, psychological or educational advice obtained before or after the practice was established.
  - (d) What written procedures were applicable.
  - (e) What children were subject to "pin down" with information about age, sex and length of time in "pin down".
  - (f) How far it is possible to assess any impact of "pin down" on those children and the nature of that impact.
  - (g) The managerial and professional oversight of "pin down".
9. In relation to participation by young people in care in the activities of undertakings not owned by the County Council and known as "Fundwell".
  - (a) The nature and extent of the organisations generally known or associated together as "Fundwell" and in which children and young persons participated.

Appendix 2 - continued

- (b) The nature and extent of the participation by young children and young persons in these organisations whether as employees, trainees on work experience placements, as tenants or licencees or otherwise.
  - (c) A list of all the children participating with information about age, sex and length of participation.
  - (d) The benefits or disadvantages resulting from the participation of children and young persons in these activities including any educational implications.
  - (e) The managerial and professional oversight of such participation and any conflicts of interests of staff which might have arisen in connection with such participation.
10. Any associated matters of concern to the Inquiry, including the adequacy or otherwise of the complaints procedures in use within the department.
  11. Whether at any point in the Inquiry the panel consider that the method of working adopted is inadequate for the issues at stake and should be substituted by a Public Inquiry or any other method of procedure.
  12. Whether at any point in the Inquiry the panel consider that they have established matters which should be reported to the County Council as requiring immediate disciplinary action and any subsequent effect on the working of the Inquiry.
  13. To note the County Councils intention to make public the full report of the Inquiry and to provide the Secretary of State for Health with a copy.
  14. (a) To consider whether children and young persons resident in Staffordshire child care establishments were appropriately protected, as may have been required, from any of the individuals who were subsequently convicted in the summer and autumn of 1989 of sexual offences against children and young persons;
  - (b) To make any appropriate recommendations.

INTERIM ARRANGEMENTS FOR THE MANAGEMENT OF RESIDENTIAL CHILD CARE ESTABLISHMENTS

1. Purpose

To outline an interim proposal for the management of all residential child care establishments and to seek in principle sub-committee approval for their implementation.

2. Background

2.1 The inquiry report - 'The Pindown Experience and the Protection of Children' - contains numerous references to the unsatisfactory management of residential child care establishments. My initial response to the report outlined the steps proposed in response to the recommendations, including interim and longer term arrangements for the management of these units.

2.2 Since the departmental restructuring in July 1989 residential child care establishments have been managed by District Managers. Their span of responsibilities, and, in some cases, the absence of relevant experience or training has resulted in the overall management of residential child care being inconsistent and often weak and unsatisfactory. Many of the difficulties have only emerged at times of crises, a further indication of 'failure to manage'.

2.3 It is obvious from the inquiry report and from the review recently undertaken by the Child Care Project Team that there are many aspects of residential child care which need urgent attention. This specialist area of work needs to be an integral part of a comprehensive placement strategy which affords a range of options for children and young people who, for various reasons, are unable to live with their families.

It is therefore intended to report, in detail, to a later meeting of this Sub-Committee with proposals for an improved child care service.

2.4 In the past week a letter has been sent out to all Chief Executives and Directors of Social Services asking for certain assurances in relation to residential care for children. (See Agenda Item 3 )

3. Short Term Proposal

It is essential that residential child care establishments provide care of a satisfactory physical and emotional quality which is both legal and safe. It is not possible within present arrangements to advise the Sub Committee with complete confidence that this is the case, therefore, having considered a number of options the following short term arrangement is proposed to be achieved by the transfer of staff within the existing staffing establishment:-

- (i) To establish a small temporary team of six people devoted to the management of all the children's residential establishments in the County. The team to be managed on a day to day basis by a temporary Residential Care Manager (Children) accountable to the Assistant Director (Children and Families).

The Group will work as a team on some issues, such as in-house training, but will also have divisional responsibilities for staff appointments, placement of children and management/supervisory issues.

This arrangement will not only provide a more effective and appropriate management structure but will allow divisional and district managers to concentrate on individual planning and support for children, the development of high quality community alternatives to residential care and to contribute to the development of a comprehensive placement strategy.

Members are asked to delegate authority to the Director and appropriate Committee Chairman to agree the details of the proposed arrangements to include transfer arrangements, remuneration and arrangements to cover transferred staff.

4. Financial Implications : To be achieved within Budget.
5. Personnel Implications : Temporary transfer of staff to form a Residential Care Management Team and where appropriate temporary arrangements to cover for this transfer.

6. Recommendations

It is recommended that the sub-committee:

- (i) establish the proposed interim management arrangements for residential child care establishments in principle.
- (ii) delegate powers to the Director of Social Services and appropriate Chairman to implement detailed arrangements.