AN INDEPENDENT INQUIRY COMMISSIONED BY
THE LONDON BOROUGH OF LAMBETH

UNDERTAKEN BY

RICHARD CLOUGH MBE

GENERAL SECRETARY
SOCIAL CARE ASSOCIATION

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APPOINTMENT

- 1. Following communication between the Department of Health and the London Borough of Lambeth, the latter set up an independent inquiry having agreed the terms of reference with the Department of Health.
- 2. An approach was made to the Social Care Association and its General Secretary, Richard Clough MBE. He was appointed by the London Borough of Lambeth to undertake the inquiry on the 22nd February 1993.

TERMS OF REFERENCE

- 3. The terms of reference were as follows:-
- i) To examine and comment upon the conduct and quality of decision- making in the disciplinary hearing conducted against with respect to the non-disclosure of a Schedule One offence. (page 24-35)
- ii) To examine Lambeth's practices and procedures with respect to the selection and vetting of staff working with children. (page 36-38)
- iii) To examine and comment upon the process of sapplication to foster, and the propriety of formal and informal communication between Wandsworth and Lambeth staff and Members during that process. (page 39-58)
- iv) To examine and comment upon the implementation of Lambeth's equal opportunity policies as they affect child care, with particular reference to the semployment and his application to foster two boys of different race. (page 59-61)
- v) To examine and comment upon any conflict of interest between the consideration of the welfare of children in Lambeth's care and the interests of the Council's staff, as applying to this case. (page 62-63)
- vi) To examine and comment upon the management inquiry and audit investigation, leading to the dismissal of in 1991 and to consider and comment upon Lambeth's response to that inquiry and the disciplinary panel's recommendations. (page 64-69)
- vii) To examine and comment upon the propriety and effectiveness of any agreements, whether formal or informal, between Lambeth and the Metropolitan Police, concerning the police investigation of alleged offences by Lambeth employees against the Council, where any such agreements impinge upon this case. (page 70-72)
- viii) To make recommendations.
- ix) To report to Lambeth Council.

METHOD OF WORK

- 4. It was agreed that the inquiry would be undertaken solely by Mr Clough and he would not sit with a panel. It was however clear at an early stage in the inquiry's proceedings and prior to evidence taking, that witnesses would wish to be accompanied. In these circumstances it was agreed between the London Borough of Lambeth and Mr Clough that an independent observer would sit in on interviews.

 Officer of the Social Care Association was appointed for this purpose by Mr Clough.
- 5. The London Borough of Lambeth, through the Chief Executive's Department, provided secretarial assistance in respect of the making and confirming of appointments. All other secretarial and administrative work was undertaken by staff not employed by, and independent of, the London Borough of Lambeth.
- 6. An independent person made available through a Brixton Job

 Centre work experience scheme assisted in greeting people coming to give evidence.
- 7. Having thoroughly examined the documentation provided by the London Borough of Lambeth, witnesses were identified and invited to give evidence. In addition a number of people had come forward volunteering to give evidence.

- 8. Evidence was taken on 28 occasions from 24 witnesses with four people either being re-called or requesting a second interview.
- 9. Some of the witnesses chose to bring either their trade union representative, professional association representative, friend or member of the family.
- 10. Witnesses were given an assurance that no declaration would be made as to who, or who had not, given evidence and where appropriate verbal evidence would be non-attributable.
- 11. Apart from one occasion evidence was taken in a meeting room at the Grosvenor Hotel, Victoria, London SW1.
 - 12. At an early stage a meeting was held with trade union representatives to discuss the conduct of the inquiry and with the Director of Social Services to determine the reports and files that would need to be made available.
 - 13. It should be recorded at this stage that all material requested for the inquiry's purposes was made available promptly with full co-operation and in a spirit of openness.
 - 14. The authority also made available documentation and communications which it thought would be helpful to the inquiry.

CHRONOLOGY OF EVENTS

- Deputy Officer in Charge of the Highland Road Children's Home in April 1977. He did not originally accept the offer as he had another job offer pending. He was subsequently re-offered the post in January 1978 as it had not been filled and accepted the offer, taking up his post in March 1978.
- 16. Satisfactory references had been obtained in April 1977 and were not taken up again.
- 17. A satisfactory medical clearance was obtained and the check with the Department of Health under Home Office Circulars 12/13/1955 and 250/264 was returned to Lambeth with the comment "no observations".
- 18. commenced employment on 1st March 1978.
- 19. In August 1980 a Personnel Officer in Children's Services in a reference to a building society following an application for a mortgage indicated that in his employment to date he had proved himself a responsible and conscientious member of staff.
- 20. In November 1980 made an application for the post of Officer in Charge of Angell Road Children's Home which was successful and was confirmed in December 1980.

- 21. An anonymous letter dated 13th November 1984 was addressed to the then Director of Social Services concerning 's alleged conduct at Angell Road Children's Home.
- 22. Shortly afterwards Senior Social Services Officers refer the matter to Audit Section and the Senior Assistant Director asks to be kept informed.
- 23. In March 1985 applied for a post of Officer in Charge of a home for elderly people on the Isle of Man and a reference indicated that he was a committed, strong leader who enjoyed innovative work. This application was seemingly unsuccessful.
- 24. An undated, unsigned hand written note, written sometime between June 1985 and April 1986 recorded a meeting between a principal Officer and other Lambeth employees called at the request of Audit Section to question why had used Lambeth headed paper to gain a discount for a charitable organisation of which he was a member.
- 25. He was instructed that "on no account in the future was Lambeth notepaper to be used for these purposes".
- 26. In early 1986 Mr & Mrs made an application to the London Borough of Croydon to foster children.

- 27. Following commencement of the fostering assessment procedures the London Borough of Croydon established that had a criminal conviction.
- 28. The Director of Social Services in the London Borough of Croydon informed the Director of Social Services in Lambeth by letter on 10th April 1986 that had been convicted at Bromborough Magistrates Court in Merseyside of indecent assault on a male person under 16 years contrary to Section 15 (1) Sexual Offenders Act 1956.
- 29. On the basis of that information the London Borough of Lambeth set up a disciplinary hearing on 19th May 1986 to hear charges of gross misconduct.
- 30. The charges were as follows:
 - "That you failed to disclose information under the provisions of the Rehabilitation of Offenders Act 1974 on your application forms dated 9th January 1978 for the post of Deputy Officer in Charge and on 19th November 1980 for the post of Officer in Charge.
 - 2) That as an Officer in Charge of a Children's Home your actions have seriously undermined the trust placed in you by this Authority."
- 31. A disciplinary hearing was held on the 19th May 1986.

- 32. The decision of the disciplinary panel that day was to find that the first charge was proven but a decision was not reached on the second charge as the disciplinary panel wished to obtain further information from the relevant statutory authorities concerning statements that had been made in mitigation.
- 33. On 22nd May 1986 Lambeth council wrote to the Department of Health asking if anything was known about
- 34. On 30th May 1986 the Department of Health in a telephone call replied that there were no records at all held on . At that point the conviction was recorded on DHSS files and a request that any further information received be notified to them.
- 35. In June and July 1986 Lambeth contacted former employees, the Merseyside Wirral Magistrates Court and the Probation Service to ascertain details of the actual offence.
- 36. On 7th July 1986 the Merseyside Police consented to declare what was on their records.
- 37. On the 18th August 1986, after a number of postponements, the disciplinary panel was reconvened and its findings were that the second charge was proved and that should be given a final warning.

- 38. On the 1st October 1986 a formal application was made to the Fostering Section of the London Borough of Lambeth by the Social Workers involved, for two boys aged 14 years and 12 years, to be considered for a fostering placement.
- 39. In October 1986 the Family Placements Panel staff placed advertisements in the press, having rejected a request from the children's Social Worker that an "Anglo/" placement or "English" placement be sought.
- 40. January 1987 no replies to advertisements.
- 41. January 1987 the children re-confirmed that they wished to be placed with an "English" family. A decision was taken to re-advertise for a family.
- 42. On May 1st 1987 The children's Social Worker received a telephone call from saying that he and his wife wished to be considered as foster parents for the children, and confirming that he had already discussed the matter with the children.
- 43. On 22nd June 1987 a review meeting decided that the London Borough of Wandsworth should be asked to assess Mr & Mrs as foster parents.

- 44. 3rd September 1987 The Council's Race Relations Unit expressed concern about the Council's "same race" policy not being observed in respect of the fostering application.
- 45. On 28th September 1987 a review agreed that Mr & Mrs were to be interviewed by Fostering Section to clarify what they can offer in terms of fostering and that Wandsworth Fostering Service be requested to expedite approval of Mr & Mrs
- 46. One of the children officially complained to a complaints panel in November 1987 to insist that they were listened to concerning the type of placement.
- 47. In November 1987 the Social Worker met with the two children's older brother to discuss the possibility of placing the children with him.
- 48. In **December 1987** The older brother aged 22 indicated that he would wish to be considered as a possible foster placement for his two younger brothers.
- 49. 21st January 1988 Following written permission from Mr & Mrs Wandsworth contacted Croydon for details concerning their earlier refusal. Croydon stated that the refusal of the fostering application was on the grounds of non-disclosure of a Schedule One offence by to his employer and also failure to disclose the offence to his wife.

- 50. In February 1988 Wandsworth informed the Social Worker that there was a difficulty over references concerning but could not be more specific.
- 51. In March 1988 a meeting was held in Lambeth, concerning the children, to discuss racial/cultural issues between Social Workers and the Race Relations Unit.
- 52. 14th March 1988 Wandsworth informed the Social Worker that there was a problem with references but still could not be specific as Mr & Mrs did not want it to be public knowledge.

 Wandsworth further indicated that if the problem with the references could be resolved the assessment should be complete by May 1988. Decision made that the Wandsworth fostering assessment could go to the Lambeth Fostering Panel for approval.
- 53. 14th March 1988 Alleged telephone call from official in the Fostering Section of Lambeth to an Officer in Wandsworth Fostering Section asking whether:
 - "it was strictly necessary to put the details of the police report on the report to the Fostering Panel was it possible just to put "satisfactory".
- 54. 16th March 1988 The boys now aged 15 and 14 took out a grievance procedure against Lambeth because of delays in their placement.

- 55. 30th March 1988 It was confirmed by Wandsworth that the assessment would go to the Wandsworth panel to be re-presented to the Lambeth fostering panel.
- and told her of the issues relating to his Schedule One offence.
- 57. 27th May 1988 The Social Worker discussed the content of her conversation with with her Senior Social Worker. It was agreed by both of them that they had to wait for the decision of Wandsworth Fostering Panel.
- 58. 27th May 1988 informed the children's Social Worker that he wished his application to go to the Wandsworth fostering panel and not to the Lambeth panel.
- 59. 1st June 1988 Consent given by Social Worker for children to go on a camping holiday organised by a charity with which was involved.
- 60. 17th June 1988 Wandsworth indicated in a telephone call that they would not be recommending Mr & Mrs as approved foster parents and the report would go to Wandsworth Panel.

- 61. 26th June 1988 Social Worker confirmed to the children that there was a hitch in the assessment of . She felt unable to be more specific because of the bounds of confidentiality. The children respond that they would go and live with Mr & Mrs anyway.
- 62. 14th July 1988 Letter from an Area Manager in Lambeth to Wandsworth asking them to clarify their current position.
- 63. 20th July 1988 A meeting was held between Lambeth and Wandsworth Officials and it was decided that the reference to the Wandsworth panel should proceed to its conclusion.
- 64. 24th August 1988 A meeting of the Wandsworth Fostering Panel rejected the application by Mr & Mrs
- 65. 30th August 1988 Telephone call from Wandsworth indicated that the fostering application would be turned down. This was recorded on file as being for "clear legal reasons".
- 66. 31st August 1988 An Area Manager indicated in a memo to a Principal Officer concerning

[&]quot;... as to his fostering application from both a professional and legal point of view, I fail to see how we could, or should, overturn the decision that Wandsworth's Adoption and Fostering Panel have made and I would be grateful if you would make my views known to the members of the scheduled meeting".

67. 6th September 1988 A meeting was held attended by the Director of Social Services, the Assistant Director (Children and Young People), Assistant Director (Community Services), Race Relations Advisor and Principal Officer (Social Work) at which the following decisions were made:

"Following unanimous concern re the current situation that the Directorate has allowed to develop regarding the boys' care by Mr & Mrs as social aunt and uncle, it was resolved that:

- The aunt and uncle role in relation to this case be formalised immediately by ASSM 6 - Assistant Director, Community Services.
- ii) That the Directorate produce a revised procedure for social aunts and uncles.
- iii) That the Directorate await the formal response from Wandsworth regarding the application to foster from Mr & Mrs prior to any decisions/action by Lambeth..."
- 68. 21st September 1988 An Area Manager advised the Officer in Charge of Nottingham Road Children's Home:

"that the boys should only be allowed to visit Mr & Mrs when permission has been expressly given by myself and that until their fostering situation has been clarified no overnight stays will be allowed. At present I have, only agreed to consider the question of the boys making a day visit to Mr & Mrs at a maximum frequency of once per week.

The Social Worker will inform you of any permitted visiting arrangements and unless you are so informed please do not allow the boys to visit Mr & Mrs ".

69. 21st September 1988 An Area Manager in a letter to Mr & Mrs said:

"I have just been advised by the boys' Social Worker, that at your invitation and without permission from the Area the boys had been staying at your home from the beginning of the Summer School Holidays until 11.9.88 having had to be instructed by the Social Worker on 9.9.88 to return to Nottingham Road Children's Home. This fact gives me the gravest cause for concern".

70. 4th October 1988 Mr & Mrs responded to the Area Manager indicating that they were:

"shocked and surprised as to the content of your letter. After very careful thought and consideration, we have decided to withdraw our application to foster these two boys, due to a negative response from Wandsworth".

71. In a letter from the Assistant Director (Children and Young Persons) to the Area 6 Manager:

"It is clear that Area staff along with the staff from the Children's Home itself have condoned the boys staying with Mr & Mrs for a very long period of time including, it seems, the entire summer holidays.... I am particularly unclear as to the instruction that both Mr & Mrs have to be at home jointly to supervise the boys. It seems that there is a hidden agenda around Wandsworth's assessment of Mr & Mrs as potential foster parents even though as far as I know the formal written decision has not been received from the department..."

- 72. 5th October 1988 A decision was taken to set up an investigation into the placement of the children with particular reference to the Council's "same race placement" policy.
- 73. 6th October 1988 The Area Manager wrote to Mr & Mrs and refused permission for overnight stays by the children.
- 74. 10th November 1988 The Assistant Director (Community Services) wrote to Mr & Mrs to formally advise them of the decision commenting:
 - "... that this Directorate was not able to come to any other decision on your application to foster the boys because your offence under Section 7(i)(c) of the Foster Care Act 1980 specified in Schedule One Children and Young Persons Act 1933 disqualified you from fostering".

- 75. The children saw a Solicitor to seek assistance in their request to be fostered and indicated that they wished to go to live with Mr & Mrs
- 76. 11th November 1988 Area 6 Manager in a memo to her Team Leader and the Social Worker on the case with copies to the Director of Social Services, the two Assistant Directors and the Principal Officer (Social Work) stated:

"that following a meeting on the 7th November

The decisions taken were as follows:

- The Assistant Director of Community Services to take immediate legal advice concerning my opinion that it would be illegal to approve the foster parent applicants in question.
- 2. If the legal advice given confirmed my opinion, the Assistant Director (Community Services) would write an appropriate letter to the boys.
- 3. A further meeting then to be convened to consider in what way it would be appropriate for the foster parent applicants to continue to be the boys' social aunt and uncle."
- 77. 11th November 1988 The Assistant Director (Community Services) wrote to the Assistant Director (Children and Young People) seeking a meeting

[&]quot;... to work out the most favourable arrangements for the boys, with Mr & Mrs , in view of their disqualification from being a foster family."

- 78. 29th November 1988 Following a meeting it was agreed that further discussion would take place on what information could be given to the children about the reason why they could not be fostered by Mr & Mrs and that a guideline for a social aunt and uncle would be produced as well as a specific contract with Mr & Mrs.
- 79. 19th December 1988 Wandsworth officially informed Lambeth of their decision not to approve Mr & Mrs as foster parents.
- 80. 28th December 1988 Permission was granted by the Assistant Director (Community Services) for the children to have a 14 day stay over the holiday period.
- 81. 9th January 1989 The Officer in Charge of Nottingham Road Children's Home wrote that it was confusing for the boys and the staff, when the fostering application of Mr & Mrs had been turned down, for them to be allowed to spend weekends and holidays with Mr & Mrs .
- 82. 17th January 1989 Procedures and Conditions for Mr & Mrs are drafted by two Senior Officials in Lambeth. The conditions include restricting children's visits to when Mrs is at home.
- 83. 19th January 1989 The Principal Officer (Social Work) having consulted the Assistant Director (Community Services) suggested that one of the procedures should be changed.

- position to the Assistant Director (Community Services) and declares "I cannot compromise my professional standards any further". She further stated that if condition 1 of the procedures was amended then the Contract should be signed by the Assistant Director rather than by her.
- 85. 31st January 1989 The Assistant Director (Community Services) asked if the Team Leader had any knowledge about that he was not aware of.
- 86. 1st February 1989 The boys were informed that their Social Worker was no longer allocated to the case and a temporary allocation has made.
- 87. 9th February 1989 Permission was given for one of the children to stay with Mr & Mrs over the half-term holiday with conditions. The other child goes to stay at the family home.
- 88. 14th February 1989 Negotiations were commenced for the older of the two children to be considered for a placement at a semi-independent establishment.
- 15th February 1989 The Area Manager responded giving the factual details of 's offence and also hearsay information concerning the degree of the offence.

- 90. She also advised the Assistant Director that she had agreed to the Social Worker relinquishing the case and that she might have to instruct someone to take it as no-one would wish to become part of this unsatisfactory situation.
- 91. February 1989 The Assistant Director (Community Services) writes and accepts the views of the Area Manager in relation to concerns about saying he accepts "the explanation and the reasons for the serious doubts and lack of trust" and agreed "you may proceed with the initial draft of the conditions for social aunt and uncle arrangements with Mr & Mrs ".
- 92. 28th February 1989 A meeting was held and the children and a Mrs rejected the contract as totally unacceptable.
- 93. 9th March 1989 The Director of Social Services wrote in a memorandum to the two Assistant Directors, the Principal Officer, Social Worker and the Area 6 Manager that he had:

"some astonishment that this matter is now being resurrected on issues that we discussed in detail at a number of meetings involving Senior Management and, in my view, resolved.

I do not accept that there can be dubiety in the minds of Senior Managers involved over the offences committed by the member of staff, as I clearly explained the detailed circumstances of this offence and the action taken by the Directorate to the Managers involved in order that these matters can be put in a proper context. This information was given verbally as I did not feel it appropriate for this information to be circulated in writing and I do not therefore accept that Managers have only hearsay information.

Staff may have their own personal or professional views about Schedule One offenders but within the context and the decisions taken by the organisation they are irrelevant in this case".

- 94. 3rd May 1989 The Area 6 Manager sought guidance on how the authority should proceed in respect of the boys and their social aunt and uncle and the Accommodation of Children (Charge and Control) Regulations 1988.
- 95. May 1989 A new Social Worker was allocated to the case.
- 96. May 1989 The older of the two children now aged $16\frac{1}{2}$ moves into unstaffed accommodation on a semi-permanent basis. The younger child now aged $15\frac{1}{2}$ remained at Nottingham Road Children's Home, which was shortly to close. Both children retained contact with Mr & Mrs
- 97. August 1989 Whilst Nottingham Road Children's Home was on holiday the younger boy stayed with Mr & Mrs with permission from the Social Worker but on an "unofficial"-basis.
- 98. 7th December 1989 The Assistant Director responded to the Area 6 Manager's letter of the 3rd May 1989 saying that he:

"does not believe that the Charge and Control Regulations apply in the strict sense in this case as the boys are not placed by the local Authority with Mr & Mrs , they formed a relationship with Mr & Mrs who are employees of this Authority running Community Homes for children.... Mr & Mrs 's position has already been legitimised as carers of children for this local authority and I see no useful purpose being served to subject the current relationship to the formal procedure under the Charge and Control Regulation.

99. February 1990 The younger child spent the half-term holidays with Mr & Mrs

- 100. 22nd February 1990 The Social Worker confirmed that he intended to make a request for a placement for the younger child with Mr & Mrs .
- 101. Ist May 1990 Permission was given by the Principal Officer (Social Work) through the Area Manager, for a boarding out placement of the younger child with Mr & Mrs . An "unofficial" arrangement was agreed whilst matters relating to the Charge and Control Regulations were considered.
- 102. 29th June 1990 A spot check was undertaken which led to a decision by Children's Home Finance, Audit and Senior Managers to hold a full investigation. There had earlier in the year been a meeting between , the Principal Manager and Homes Manager to address items relating to overspending and budget control.
- 103. 10th July 1990 Letter to informing him of suspension from duty pending an investigation into financial irregularities.
- 104. 22nd August 1990 failed to attend audit interview owing to illness.
- 105. 23rd October 1990 The Nottingham Road Children's Home closed.
- 106. 8th November 1990 First audit interview took place with

- 107. 15th November 1990 Second audit interview took place with
- 108. 13th December 1990 Authorisation finally given for the younger boy to be placed officially with Mr & Mrs in a boarding out relationship at a rate of £67.85 per week paid by Lambeth and an additional contribution of £20.00 per week paid by the younger boy who was now working.
- 109. 20th December 1990 The younger boy indicated to his Social Worker that he believed that as he had reached the age of 17 he should begin to consider living in independent accommodation but confirmed he was happy with Mr & Mrs . -
- 110. 4th February 1991 Third audit interview took place with
- 111. 3rd May 1991 informed that investigation was complete and a disciplinary hearing would be held on 13th/14th June 1991.
- 112. 3rd June 1991 _ informed of charges following the audit investigation.
- 113. 9th June 1991 The younger boy moved into semi-independent accommodation.
- 114. 13th/14th June 1991 Date set for disciplinary hearing postponed because of sillness.

- 115. 2nd July 1991 Disciplinary hearing held in absence of . All five charges found proved and the disciplinary panel recommended 's dismissal.
- 116. 30th August 1991 appealed against the decision.
- 117. September 1991 did not proceed with the appeal and left the Council's employment having been dismissed without notice.

TO EXAMINE AND COMMENT UPON THE CONDUCT AND QUALITY OF DECISION MAKING IN THE DISCIPLINARY HEARING CONDUCTED AGAINST WITH RESPECT TO THE NON-DISCLOSURE OF A SCHEDULE ONE OFFENCE.

- Deputy Officer in Charge of the Highland Road Children's Home in April 1977. His application was successful but he did not originally accept the offer as he had another job application pending. He was subsequently contacted by the then Homes Manager and re-offered the post, as it had not been filled, in January 1978. This time he accepted and took up the post in March 1978.
- 119. The references supplied from his nominated referees were excellent. The first described as a man:

"of exemplary character, sober habits, neat appearance, stable and friendly personality, conscientious... in addition to being consistently reliable, honest and trustworthy".

120. The second reference said that had been known to them throughout his life, as a baby, toddler, child, teenager and employee, and further said:

"I can only speak of him in the superlative. He is mature, experienced and takes an interest in many organisations and projects.... He has a genuine interest in teenage boys and can form a positive relationship with them".

- 121. Obtained the Certificate in Residential Care of Children and Young People (CRCCYP) in 1972. This was one of the major qualifications available at the time for staff working in residential child care.
- 122. A satisfactory medical clearance was obtained and the check with the Department of Health under 'Home Office Circulars 12/13/1955 and 250/264' was returned to Lambeth with the comment "no observations".
- 123. All appropriate and necessary steps were taken in 1977 and 1978 before permitting to commence work with children and young people.
- 124. Nothing else of substance occurred in relation to services Department.
- 125 This letter was drawn to the attention of the inquiry by officials of Lambeth Social Services Department having been found mis-filed. Present staff had not been aware of it until recently.
- 126. Anonymous correspondence must in most circumstances be treated with less respect than that which is attributable but nevertheless the allegations made in it were of sufficient severity for Senior Officials in the Social Services Department, at that time, to decide upon further action.

127. This letter is quoted in full as it gives the first indication of issues that were to be raised subsequently:

"This is an anonymous letter to implore you to act immediately to relieve Angell Road Children's Home of the blight that is is a dictatorial autocrat who's impressions of the Lord God Almighty would be better suited putting young boys through paratrooper exercises than looking after young people in care.

constantly underminds the authority of the care staff in the eyes of the children by reversing decisions already taken by He will make decisions and decide upbringing policy without prior discussion using the expressions "I expect my staff" and "I want". He referes to everything as "His", "my home", "my staff", "my van" and indeed uses everything as though it were his own. The transit van is a good example of this. He will take it home overnight and at weekends and use it for his own private use without so much as a by your leave. One blatant example of this was on October 3rd when he told a Senior Officer to inform the rest of the the staff that he didn't want the children fetched from school in the van any longer because they were getting spoiled and that they should therefore fetch them on the bus. This would have meant two out of a maximum four staff leaving the building. Two maximum looking after five daycare children ages six months to two years and one boy of twelve, taking two buses to Camberwell New Road and back to fetch two children and another bus to Kennington to fetch another. Ten minutes after he gave this "order" he disappeared with the van, had it all night long and returned it next morning with 38 miles clocked up.

The domestics are treated like dirt beneath his feet. He makes totally unacceptable demands on them which they tolerate only because they are frightened of losing their jobs. There has been no kitchen assistant for some time so the laundry worker has been told to do both jobs, she is also expected to clean upstairs when the other cleaners are off and do the weekly washing for a Mr and his three teenage sons who were once in care but long since left (they also incidently get two meat pies a week which the cooks are told to make). The cooks are on their feet from 8-6pm sometimes helping out with the children when things get bad and doing lots of unseen things. Their reward for this dedication was to be told off one morning for taking twenty minutes instead of fifteen for their tea-break.

It's appalling how you and the Council can turn a blind eye to his petty corruption. What do you think the Lambeth ratepayers would make of it? Here's an employee of a Labour Council supposedly residential but owning a house in Addiscombe keeping his two-bedroomed residential apartment because of all the perks that go with it, that they have to pay for, such as free food, clothing and plaster of paris garden gnomes. His weekly meat bill alone usually averages 80 odd quid with only the best prime cuts while the children usually get meat pies, meat pies, meat pies and ravioli (tinned). This together with all the niceties he fills his house with must treble the amount he pays in rent. What would the ratepayers make of a man who works 9-5 four days a week with Fridays invariably off in lieu pulling in a grand a month after stoppages?

There isn't one person at Angell Road who isn't sick to death of his denantic (sic) undemocratic behaviour. Things have reached the stage where resignment (sic) has taken over, tired of trying to approach him on a reasonable level they are now all searching for other employment, there is not one person happy in their work. How can they be when they are constantly being pulled up over stupid things such as children's rooms being spotlessly clean every morning, where a sock under the bed or a flannel in the bath constitutes a warning. Where the person demanding such a high standard of others is himself a thief who does not lead by example.

If the employment situation were normal, staff turnover at Angell Road would be reaching 90%. As it is people have to grin and bear it, this volcano has to erupt sometime. Such an atmosphere is not good for children to be brought up in and before long the strain will lead to somebody getting hurt. Please do something about it and get rid of this idiot before somebody else does".

128. Subsequently the then Senior Care Homes Officer in a memorandum to the then Senior Assistant Director of Social Services said:

"There are two areas mentioned in the letter, both of which have been raised before, but because of lack of proof have not been actioned upon.

PARA 2. Refers to sprivate use of the minibus. You may recall that I have mentioned this to you briefly in the past, in that one of my staff who lives in the same road as seen both vehicles parked outside their house on occasions.

I discussed this with Audit Section along with several other items some time ago but to date no definite action has been taken, other than my issuing a reminder memo about the correct usage of vehicles for Council business only.

PARA 4. If the allegations about food are correct this may well account for the £2,000 he was overspent on last year's provisions budget, which resulted in my seeing him formally and an auditor getting actively involved in checking his stock and order books. He was sent a 'formal letter' of warning in July of this year. Internal Audit were informed.

Whilst I agree with your views on how anonymous letters should be dealt with, I do feel on this occasion, I should discuss the contents with the Internal Auditor to seek his advice, just in case our mysterious writer decides to come out into the open or become public through the press".

129. In a hand written note with an undecipherable signature an official commented:

"I have discussed and given a copy of this letter to Internal Audit. They will keep an observation on the transport and food items".

- 130. The Senior Assistant Director also in a hand written note asked to be kept informed.
- 131. No further correspondence has been discovered relating to this matter. It is therefore impossible to say whether an audit investigation took place, and if it did what were its findings, or whether the matter was simply dropped.
- 132. It can be deduced, however, that Senior Officials in Lambeth had some concerns in respect of
- 133. The only other issue of relevance for this period that is recorded on sometime is an undated, unsigned, handwritten note, written sometime between June 1985 and April 1986 which records a meeting between a Principal Officer and other Lambeth employees, called at the request of Audit Section, to question

why had used Lambeth headed paper to gain a discount for a charitable organisation of which he was a member.

- was instructed that "on no account in the future was Lambeth notepaper to be used for these purposes".
- 135. In April 1986 Mr & Mrs applied to foster children in the care of the London Borough of Croydon. Very early on in the assessment of their suitability to be foster parents it was discovered by Croydon that had a criminal record for a Schedule One offence. The Director of Social Services for Croydon informed the Director of Social Services for Lambeth on the 10th April 1986 that had been convicted at Bromborough Magistrates Court in Merseyside of indecent assault on a male person under 16 years, contrary to Section 15/1 of the Sexual Offenders Act 1956. The London Borough of Croydon immediately ceased the assessment of Mr & Mrs as foster parents.
 - On the basis of the information received the London Borough of Lambeth set up a disciplinary hearing on the 19th May to hear charges of gross misconduct.

137. The charges were as follows:

- "That you failed to disclose information under the provisions of the Rehabilitation of Offenders Act 1974 on your application forms dated the 9th January 1978 for the post of Deputy Officer in Charge, and on the 19th November 1980 for the post of Officer in Charge.
- 2) That as an Officer in Charge of a children's home your actions have seriously undermined the trust placed in you by this authority."

- 138. A disciplinary hearing was held on the 19th May 1986.
- 139. The disciplinary hearing was chaired by the Assistant Director of Social Services, who was subsequently to become the Director of Social Services, and he was accompanied by a Senior Personnel Officer who had social services responsibilities.
- 140. The decision of the disciplinary panel that day found the first charge was proven but it did not reach a decision on the second charge as it wished to obtain further information from the relevant statutory authorities confirming 's statements about the incident which had been made in mitigation.—
- 141. On the 22nd May 1986 Lambeth wrote to the Department of Health asking if anything was known about
- 142. On the 30th May the Department of Health in a telephone call replied to the Senior Children's Homes Officer that there were no records at all held by them on and there would be no obligation on the part of the police to inform them unless was actually working/employed looking after children at the time of the offence. It was also stated that having been informed of the conviction it would now be recorded on DHSS files and requested that any further information on the case be notified to them.

- 143. In June and July 1986 Lambeth contacted former employers, the Merseyside Police, Wirral Magistrates Court and the Probation Service to ascertain details of the actual offence.
- 144. Former referees, one of whom was a former employer, in written communication with Lambeth expressed their extreme disquiet that is still being made to answer for a charge that happened 20 years earlier. One correspondent says "surely has suffered for a fault he committed as a teenager, I think he has paid the price." Another correspondent comments "the night of his arrival there were the more or less usual boyish pranks in the dormitory. The boy in question thought they were directed against him, they were not. However, he had a long tale of woe for his mother. She went to the police, who had to take notice. was the oldest boy there at the time and he had to take responsibility for something quite harmless which should have been dealt with on the spot...."
 - 145. On the 7th July 1986 Merseyside police consented to declare what was on their records, it stated:

[&]quot;... The recorded method was that ____, as an ex-inmate of St. Edmonds Home visited the home and during his visit went to see his old house. Entered the bedroom of a 12 year old boy and tickled him and then pulled his pyjamas down and played with his penis."

146. After a number of postponements because all of the information had not been received the same disciplinary panel finally reconvened on the 18th August 1986 and its findings were as follows:-

"On the 9th July 1986 you were informed that the panel's decision was that the first charge was proven. At that time the panel were unable to reach a decision on the second charge until further detailed information on the offence and conviction could be considered.

This information has now been provided and following careful consideration by the panel the decision is that the second charge is proven. You were informed in writing on the 22nd April 1988 that should these charges be proven you may be This sanction has been given dismissed from the authority. careful consideration by the panel, in view of the nature of the offence and the nature and responsibilites of your work. Vulnerable children-placed in the care of this authority are there are specific requirements from children in trust; statute, clear expectations from the public and our own professional and moral standards which require us to protect these children from abuse. This disciplinary panel acting on behalf of the authority has the responsibility to ensure that any identified risk of abuse to the children in our care from our staff is eliminated.

We have taken into account the mitigating factors, that the offence occured 20 years ago when you were a young man. which we have now received documentary conviction of corroboration supports evidence submitted by yourself to the panel. Further, we have viewed your criminal offence in the context of your age at the time, the fact that you were in care and detailed circumstances of that offence. Additionally, there is no evidence of any other offences or incidents of a similar 'nature, or managerial concern regarding your conduct and relationships with children placed in our care during your 8 years of service with this authority. In the light of these considerations it is the panel's decision that you be given a final written warning and any further commission of a similar disciplinary or criminal offence will lead to proceedings for your dismissal...."

- 147. In considering this decision the inquiry cannot but reach the conclusion that the disciplinary panel was prepared to accept that the longer the period of non-detection, the greater the chance of escaping severe punishment.
- 148. It needs also to be remembered that failed to declare his offence on two occasions during his employment in Lambeth. It can only be conjecture as to the decision Lambeth would have taken had they discovered much earlier in semployment that he had committed a Schedule One Offence. However, by their decision the Panel gave some legitimacy to non-disclosure.
- 149. There can be no doubt that the local authority was under considerable pressure not to dismiss given that the former referees were clearly stating, as was , that the offence was minor. In the case of the former employer who provided a reference it must be judged that they behaved unethically in not declaring to the local authority the offence of which they had full knowledge. Their views on the lack of seriousness of the offence could have been made quite clear in the reference. The local authority could have taken it into account at the time of the initial appointment.
- 150. Throughout the inquiry a number of witnesses indicated that they believed that the "offence" related to "horseplay in the showers flicking towels at one another etc".

- 151. Although the police's summary describing the offence is particularly brief it cannot in all reasonableness be defined as horseplay.
- 152. In giving its findings the authority clearly states that it has "the responsibility to ensure that any identified risk of abuse to children in our care, from our own staff, is eliminated."
- 153. The two important words in the above paragraph are identified and $\underline{\text{eliminated}}$.
- 154. The inquiry is of the opinion that the risk of abuse to children in their care was identified and they chose not to eliminate it on this occasion.
- 155. There were mitigating factors including that the offence was committed 20 years earlier and there were no known repeats of the behaviour, that former employers and referees were adamant that Lambeth were being unfair in resurrecting the issue and that was only 17 years of age at the time of the offence. The issue relating to being in care at the time of the offence is in the view of the inquiry irrelevant.
- 156. The second charge related to a breach of trust and insufficient attention seems to have been given in judgement on this matter. It is clear that in the nature of the events had seriously undermined the trust required by employers in a post of sensitivity.

- 157. It is possible to understand why the disciplinary panel reached the decision it did, but the inquiry cannot but conclude that the decision was incorrect and legitimised. sposition as a carer in whatever setting.
- 158. Some may believe that it has been unfair that an offence committed by should once again receive attention nearly 30 years after it was committed. The issues that relate to this inquiry arose from the concealment of the offence rather than the offence itself and it is the concealment that led to such difficulty for so many over subsequent years.

TO EXAMINE LAMBETH'S PRACTICES AND PROCEDURES WITH RESPECT TO THE SELECTION AND VETTING OF STAFF WORKING WITH CHILDREN.

- and recruitment procedures. The inquiry its personnel and recruitment procedures. The inquiry, therefore, had the opportunity to examine the Equal Opportunities Code of Practice on the process and selection; Emergency Recruitment and Selection Procedures; Advertising/Non-Advertising of Posts; Procedures Relating to Employment and Disability; HIV and Aids Employment Issues; General Considerations when using Section 5(2)(d) of the Race Relations Act 1976; Rehabilitation of Offenders Act 1974 Health and Social Services Exceptions; Police Check Flow Chart; Probationary Service; Recruitment and Retention Initiatives; and Guide for Employers regarding the Employment of Overseas Workers.
- 160. Used correctly the documentation provides a reasonable basis on which to select and vet staff.
- 161. Two issues relating to employment were however brought to the attention of the inquiry and on which there are some concerns.
- 162. It would seem that, in most cases, the appointments panel for an Officer in Charge of a Children's Home is chaired by a Principal Officer.

- 163. In the view of the inquiry appointments of Officers in Charge of Children's Homes are of such a sensitive and important nature that it is reasonable to expect the appointments panel to be chaired at Assistant Director level.
- 164. The inquiry was also advised that references are not made available to those sitting on an appointments panel. The procedure is that personnel will make available any comments from references that they consider to be "negative".
- 165. The inquiry does not believe that this is a procedure that can help an interview panel achieve its aims fully. Panel members should be aware of the full contents of all references and be able to give consideration to positive and negative comments and be able to consider the references as part of their deliberations.
- 166. At a late stage in the inquiry's proceedings Lambeth Social Services Department made available its response to the Warner Committee Report "Choosing to Care". This report on the selection, development and management of staff in residential child care is, at the time of the inquiry, undergoing consultation between employers and the Department of Health.
- 167. The general reaction to the report has been positive and Lambeth's response to the Department of Health also views the report's recommendations in a positive way.

- 168. The authority needs to be more explicit in its procedures in respect to the treatment of references and in the area of supplementary questions at interview. This will enable selection panels to satisfy themselves reasonably on the quality of the candidate. The authority has already confirmed in its response to the Warner Report that it will be examining further measures, in addition to the panel interview, when it comes to the selection of staff for children's homes.
- 169. The general approach by Lambeth to implementing the Warner Report's recommendations are welcomed and the authority is urged to ensure it has a monitoring procedure on these matters to see that good intent is backed by sound implementation policies.

TO EXAMINE AND COMMENT UPON THE PROCESS OF S APPLICATION TO FOSTER AND THE PROPRIETY OF FORMAL AND INFORMAL COMMUNICATION BETWEEN THE LONDON BOROUGH OF WANDSWORTH AND THE LONDON BOROUGH OF LAMBETH STAFF AND MEMBERS DURING THAT PROCESS.

- placed at Nottingham Road Children's Home where Mrs worked, were considered by the London Borough of Lambeth as suitable for a fostering placement. A formal application to the Family placement Section was not made until the 1st October 1986. The boys who were the youngest two of seven children were placed in care because of the severe mental illness of their mother and little involvement in their upbringing by the father. Both children had close contact with other siblings.
- 171. At this time the authority had a "same race" placement policy.
- and keen to be fostered, made it quite clear from the outset of fostering discussions that they regarded themselves as "English" and would wish to be placed with a "English" family. The children's desire for an "English placement" was put strongly to the Family Placement Section of Lambeth Social Services but their view was that the policy decision in this case should stand and sought to place an advertisement in the press.

- 173. There were no replies to the advertisement and the Family Placement Section re-advertised.
- 174. In May 1987 telephoned the Social Worker of the children concerned indicating that he and his wife wished to be considered as foster parents for the children and further indicated that he had already discussed it with the two boys. A further declaration in the children's records indicated that they had already been spending "a fair amount of time" at Mr & Mrs shome unknown to the Social Worker. After a visit on 13th May 1987 the Social Worker noted that "they both seemed very keen that Mr & Mrs become their foster parents". "I tried to put some brakes on the children do not want to know anymore. They seem to be taking the matter in their own hands and arranging their own placement".
 - 175. On the 22nd June 1987 a formal review decided to ask the London Borough of Wandsworth to assess Mr & Mrs as to their suitability to be foster parents. On the 28th September 1987 a review of the case in Lambeth agreed Mr & Mrs should be interviewed by the Fostering Section to clarify what they can offer in terms of fostering and Wandsworth's Fostering Section should be requested to expedite consent to Mr & Mrs splication.

- by the Fostering Officer at the request of the Chair of the Fostering Panel in Lambeth to those responsible for undertaking the assessment in Wandsworth. The content of the call it is suggested, was that the assessment report relating to the police inquiry should be deemed "satisfactory" and that the Chair of the Foster Panel would take personal responsibility for this matter within Lambeth. It is further alleged that the Chair of the Foster Panel provided a written reference supporting Mr & Mrs scase as suitable foster parents.
- 177. In November 1987 the children's elder brother, aged 22, who had been considerably involved in the case indicated that he wished to be considered as a possible foster parent. The records do not show that this matter was subject to further inquiry although in evidence it was reported that there was an issue regarding the type of accommodation in which the older brother lived.
- 178. In February 1988 the children's Social Worker was informed by Wandsworth that there was a difficulty over references for but they would not be more specific.
- 179. In March 1988 a review meeting decided that the boys could be placed with a white family as they wished. It was also decided that if Mr & Mrs were approved as foster parents then the authority would seek to place the boys with them.

- 180. On the 14th March 1988 the children's Social Worker met with who told her what the issues were relating to references. He told her of the incident in his life 20 years ago. However, he made it quite clear that he was telling the Social Worker in confidence and for that reason she did not place the content of the conversation on file but did record "I find my position impossible".
- 181. The next day however, she did feel it necessary to discuss the matter with her Supervisor and they both agreed that they should wait for the decision of the Wandsworth Fostering Panel.
- 182. On the 17th June 1988 Wandsworth-indicated in a telephone call that they would not be recommending Mr & Mrs as approved foster parents and that their report would go to the Wandsworth Panel.
- 183. A week later the Social Worker confirmed that there is "a hitch in the assessment". had by this time already told the children that it was unlikely that he would be allowed to foster them. The children responded they would go and live with Mr & Mrs anyway.

- Mr & Mrs 's application to be approved as foster parents. The decision was relayed by telephone and the Lambeth records show that the phone call indicated that the fostering application was turned down for clear legal reasons. However, the formal decision was not received by Lambeth, in writing, until the 21st December 1988 as Wandsworth felt they needed clearance from Mr & Mrs for any information to be released.
- 185. On the 6th September 1988 a meeting attended by the Director of Social Services, the Assistant Director (Children and Young People), Assistant Director (Community Services), the Race Relations Advisor and the Principle Officer of Social Work decided that "following unanimous concern with the current situation that the Directorate has allowed to develop regarding the boy's care by Mr & Mrs as a social aunt and uncle, it was resolved:
 - 1) That the aunt and uncle role in relation to this case be formalised
 - 2) That the Directorate produce a revised procedure for social aunt and uncles.
 - 3) That the Directorate await the formal response from Wandsworth regarding the application to foster from Mr & Mrs ■ prior to any decisions/action by Lambeth."

185. These decisions were taken despite a memo from the Area 6 Manager (Area 6 being responsible for the case) which said:

"...as to his fostering application from both a professional and legal point of view I fail to see how we could or should overturn the decision that Wandsworth's Adoption Fostering Panel have made and I would be grateful if you would make my views known to the members of the scheduled meeting."

186. On the 21st September 1988 the Area 6 Manager advised the Officer in Charge of Nottingham Road Children's Home where the children were technically resident:

"that the boys should only be allowed to visit Mr & Mrs when permission has been expressly given by myself and that until their fostering situation has been clarified no overnight stays will be allowed. At present I have only agreed to consider the question of the boys making a day visit to Mr & Mrs at a maximum frequency of once per week.

The Social Worker will inform you of any permitted visiting arrangements and unless you are so informed please do not allow the boys to visit Mr & Mrs ."

stayed with Mr & Mrs throughout the whole of the summer school holidays and on the 21st September the Area 6 Manager wrote to expressing grave concern and reiterated that the boys must not stay at Mr & Mrs 's home without permission.

187. She further declared:

"I must point out that from a professional standpoint I am reluctant at this juncture to agree to the boys visiting you at all. However, in view of the bonding that you have unprofessionally encouraged to develop between yourselves and the boys, in the interests of their emotional welfare I do not feel able to presently ban all visits."

- 188. At this stage Mr & Mrs , angry at the responses that the Area 6 Manager was now giving, withdrew their application to foster.
- 189. On the 10th November 1988 the Assistant Director from Community Services wrote to
 - "...that this Directorate was not available to come to any other decision on your application to foster the boys because your offence under Section 7(i)(c) the Foster Care Act 1980 specified in Schedule One Children and Young Persons Act 1933 disqualified you from fostering..."
- 190. On the 11th November 1988 the Assistant Director (Community Services) wrote to a colleague, Assistant Director (Children and Young People) seeking a meeting:
 - "to work out the most favourable arrangements for the boys, with Mr & Mrs , in view of their disqualification from being a foster family".
- 191. On the 19th December 1988 Wandsworth officially informed Lambeth of their decision not to approve Mr & Mrs as foster parents.
- 192. The official decision related to a number of areas of a personal nature concerning Mr & Mrs but the issue referring to the offence is recorded as "that has failed to come to terms with his criminal conviction".
- 193. There are a number of issues that need questioning in the whole process of this application to foster the children.

- 194. Why did apply to foster children again so soon after being turned down by the London Borough of Croydon when it had been absolutely clear that that local authority did not continue the fostering assessment because of the Schedule One offence?
- must have known that even in an application to foster children who were in the care of the authority that employed him it would still be necessary to undertake a full assessment and the Schedule One offence would again be discovered.
- 196. The conclusion can only be reached that the application continued because believed—that because his position as a carer in the employment of the London Borough of Lambeth had been legitimised and his recorded offence would not interfere with the application.
- 197. Witnesses on a number of occasions and Lambeth themselves in some of their documentation refer to Section 7(i)(c) of the Foster Care Act 1980 as disqualifing him from being a foster parent.
- 198. This Act in fact applies to private fostering arrangements but nevertheless it is reasonable to presume that local authorities will use discretion and seek to ensure that all children are protected from those that might wish to harm them or are otherwise unfit to care for them.

- 199. Senior Officials in Lambeth quite clearly felt that the Foster Care Act 1980 Section 7(i)(c) did apply and that it was not lawful for to foster children. It would seem, therefore, that some officials in Lambeth allowed the situation to develop in spite of believing that it was unlawful.
- 200. Irrespective of the situation in law, it would seem from the outset that the application was flawed and had little chance of success.
- 201. It is difficult to understand why at the earliest possible stage Lambeth officials, who had knowledge of the Schedule One Offence, allowed the assessment to continue rather than consider other arrangements which may have included Mr & Mrs , if their involvement was considered to be in the best interests of the children.
- 202. It is equally difficult to understand why, once officials in the Fostering Section at Wandsworth became aware of the offence, they did not ask for the assessment to be discontinued knowing that it had little chance of success.
- 203. It would seem that Wandsworth felt that as was an employee in a senior position, in a caring capacity, in Lambeth that they should proceed. In fact it looked at one stage as if it was being regarded as a formality to allow the fostering to take place.

- 204. The alleged telephone call and letter from Lambeth officials to Wandsworth officials gives rise to considerable concern.
- 205. The Lambeth Fostering Officer who is alleged to have made the call at the request of the Chair of the Fostering Panel cannot remember making the call. The Chair of the Fostering Panel admits to asking for the call to be made and there is a clear record on file within Wandsworth of the call being received. The Fostering Officer accepts that the call must have been made because the others involved would have no reason to say that it had, if it had not.
- 206. The telephone call can be viewed from two standpoints.
- 207. The first is quite simply to bring about undue influence on Wandsworth officials in seeking to bypass procedures and to ignore requirements in law.
- 208. The second is to view the authority, namely the London Borough of Lambeth, as being under considerable pressure from the children, particularly from the children's school, legal representatives and Mr & Mrs to expedite fostering arrangments. Officials therefore contacted Wandsworth seeking to hasten the fostering application and indicating that as Lambeth knew about the offence and had legitimised sposition then the police record could be deemed to be satisfactory because it had already been dealt with by Lambeth.

- 209. Having considered the latter very carefully the conclusion is reached that whilst the two Lambeth officials involved acted in what they considered to be the best interests of the children, their actions have to be considered unprofessional. They acted under pressure, responded incorrectly and found themselves having to defend a position in a local authority because of an earlier decision that the authority had taken in legitimising a carer. They were greatly in error in doing what they did and placed themselves and colleagues in the London Borough of Wandsworth in a difficult and embarrassing professional situation.
- 210. At the time of the telephone call there was a policy, in Wandsworth, that if a police check proved to be positive the matter was automatically referred to the Director of Social Services. The inquiry understands this was done. There is no record of any communication, at this time, between the then Directors of Social Services of Wandsworth and Lambeth on this matter or any written expressions of concern about the telephone call.

- 211. The Principal Officer (Social Work) who chaired the Foster Panel in Lambeth seemingly also provided a written note supporting the application of Mr & Mrs to foster the children concerned. The inquiry did not have sight of this note although the Principal Officer concerned confirmed its existance in written correspondence with the Director of Social Services some years later. Given this confirmation the inquiry judges this to be an example of gross unprofessionalism.
- 212. As Chair of the Foster Panel he should have remained strictly neutral and should not have become involved in this particular case in the way that he did and his professional behaviour during this time is a cause for regret and concern.
- 213. The inquiry has examined whether any formal or informal communication took place between Wandsworth and Lambeth staff, and between elected members during the process of the fostering application. The issue of communication between staff is addressed elsewhere in the report. There is no evidence to support any inpropriety between Wandsworth and Lambeth elected members and no evidence to support inpropriety between staff and elected members during the process of the fostering application.
- 214. Further comment is now made on matters that arose in relation to the decisions taken by Lambeth as far as the two children and Mr & Mrs are concerned following the formal refusal to allow fostering to take place.

- 215. The two children were 13 and 12 when it was first decided that fostering was an appropriate method of care. The whole process from the time of the initial referral for fostering to the time of formal refusal was just under two and a half years. By this time the children were approaching 16 and 15 years of age respectively. This delay was unreasonable and unacceptable and whilst officials may have been seeking to do what they considered to be in the best interests of the children, the judgement is that they did not and that unnecessary situations developed because of management's inability to be firm and decisive.
- 216. Lambeth Social Services Department found itself in great difficulties in this case as they had a member of staff, deemed appropriate to run a children's home, who had been turned down by two authorities as being unsuitable to be a foster parent. A relationship had been allowed to develop over 18 months whereby the children were spending weekends and school holidays, without the consent of the authority, with Mr & Mrs

 A bonding between the children and Mr & Mrs had clearly formed. Tremendous pressure was being exerted by the children's school, the Children's Legal Centre (who by now had become involved at the children's request), by Mr & Mrs and most importantly of all, by the children themselves, to permit the relationship to develop. Eventually there was an almost total divergence of professional opinion as to what was in the

best interests of the children. Views and opinions were understandably being formed without full knowledge of the facts.

- 217. Decisions were being made with uncertainty as to whether management backing would be gained and managers found themselves, irrespective of the merits of the case, having to defend a position based on a decision to legitimise semployment as a carer some years earlier.
- and 1989 Mr & Mrs were on a number of occasions instructed not to take the children home without consent. The Officer in Charge of Nottingham Road Children's Home was instructed not to let the children stay with Mr & Mrs without consent. Mr & Mrs the Officer in Charge of Nottingham Road Children's Home and the children simply took no notice. It is unacceptable that in the midst of trying to sort out what had become a chaotic situation, not one senior manager with authority to do so, saw fit to inform Mr & Mrs and the Officer in Charge of Nottingham Road Children's Home, that if they did not obey manager's instructions about children in the care of the authority, they as employees would be disciplined.

- 219. The children's Social Worker was so disgusted with the way matters had been allowed to develop that she asked to be removed from the case. The Area Team Manager had been attempting to restrict visits without success and had attempted, with great reluctance, to set up a contract that laid down quite clear procedures under which any future arrangement would take place. In the event the contract relating to social uncle and aunt drawn up by the authority was simply rejected by the children and Mr & Mrs The children continued to spend time as they and Mr & Mrs felt fit, almost without interference.
- 220. The authority maintains vehemently that all the decisions it took at the time it tried to take in the best interests of the children. The inquiry does not doubt that senior managers were under considerable pressure and were trying to do what they considered to be in the best interests of the children, but the information that was available to senior management in making its decisions was inconsistent. There is also a dispute as to the timing at which senior managers knew of the Schedule One offence or the particulars of that offence.

- 221. The quality of the information available to senior managers was poor. It was only towards the end of proceedings that some of them actually knew the details of the offence and some in fact never knew the full details. What is clear, is that the Director of Social Services did indicate to his Assistant Directors that had a Schedule One offence but did not feel it necessary to elaborate on the actual details. Much of the confusion and the correspondence would have been avoided had these Assistant Directors known the full extent of the matter. Equally, it would seem appropriate that they should have asked to be fully informed of the extent of the offence.
- 222. Issues became entangled and decisions that were put forward as being in the best interests of the children, could equally be seen as an attempt to fit with the a decision that was taken at the disciplinary hearing in 1986 to allow to remain in employment.
- 223. The outcome was that Mr & Mrs , as Lambeth employees, were allowed to continue to form a relationship with children outside of their professional task. Efforts to restrict this relationship proved useless. It was put to the inquiry that as the children had reached late adolescence they were in a position to make up their own minds and no matter what the authority had decided to do the children would have continued to see Mr & Mrs . This cannot be accepted, in this case, as the children were in the care of the London Borough of Lambeth and their relationship was with Lambeth employees.

- 224. The situation was further compounded when the Area Team Manager raised a question of whether a police check should be undertaken under the Accommodation of Children (Charge and Control) Regulations 1988.
- The Assistant Director (Community Services) took seven months to respond to the Team Manager and said that he did not believe the Charge and Control Regulations applied in the strict sense because the children were not placed by the local authority with Mr & Mrs . The children formed a relationship with Mr & Mrs who were employees of the authority running care homes for children. He continued:
 - "...Mr & Mrs s position has already been legitimised as carers for children for this local authority and I see no useful purpose being served to subject the current relationship to the formal procedure under the Charge and Control Regulation."
- 226. The delay in replying to the Area Manager's question was unacceptable. During the seven month delay one of the children lived with Mr & Mrs with the full knowledge of the Social Worker who had to keep referring to the arrangement as on an "unofficial" basis.
- 227. By this time one of the children was about to go out of care and the other was approaching 16 years of age and still nothing had been finalised.

- the children were not placed formally by the local authority with Mr & Mrs may be strictly correct, but permission had been given to allowing considerable access and to overnight stays. The response of the Assistant Director to the Team Manager confirmed that Mr & Mrs 's position was legitimised as carers and this made it difficult to take any action in any other sphere relating to Care and Control.
- 229. The situation was further compounded when a new Social Worker was appointed to the case. He had not been submerged in the previous detail of the case and proceeded to formalise the relationship and made application for a boarding out allowance to be paid to Mr & Mrs in respect of one of the children. Permission was given for this and the situation was eventually reached whereby Mr & Mrs were paid to care for the youngperson in their own home whilst was under suspension for another issue.
- 230. The way that the fostering application was handled left a distinctly bad professional taste for many, not least the person responsible for undertaking the assessment in Wandsworth. This person commented in a written report:

[&]quot;my professional role and assessment has counted for nothing in terms of my statutory responsibilities in the protecting of children. It further makes a nonsense of the whole process of assessment....."

- 231. The Social Worker in the case expressed similar views and a great deal of anger was engendered.
- 232. The decision making processes throughout the foster care application were flawed. To some extent the poor quality of the decision making may have been caused by a lack of information concerning 's offence to those who were actually responsible for making decisions at various points in the process and managers involved must be criticised for their inability to grasp the situation and prevent it drifting.
- 233. Decisions were often made in retrospect and the inquiry cannot but question, in the case of one of the children, whether there was any difference in the outcome. Namely, that he lived with Mr & Mrs and the authority paid for him to do so, and that of a formal fostering arrangement that had not been permitted.
- 234. This arrangement was formalised many months after it had begun.

 Officials were aware of what was happening and chose to let it

 continue because they had nothing else to offer that they

 considered suitable.
- 235. It is quite clear that whilst had rights in respect of his fostering application going forward he must have known the difficulties that would follow. Equally some officials in Lambeth knew that the application was flawed and that to allow it to proceed would cause nothing but anguish for all concerned.

236. From May 1987 to June 1991 the authority's officials allowed things to drift and yet appeared genuinely to believe that in doing so they were acting in the best interests of the children. They may have thought they were, but they were not. Some strength and vigour in the decision making processes would have alleviated much of the difficulty and anxiety and would have caused necessary disappointment for others.

TO EXAMINE AND COMMENT UPON THE IMPLEMENTATION OF LAMBETH'S EQUAL OPPORTUNITIES POLICIES AS THEY AFFECT CHILD CARE, WITH PARTICULAR REFERENCE TO SEMPLOYMENT AND HIS APPLICATION TO FOSTER TWO BOYS OF DIFFERENT RACE.

- 237. The local authority in this case had developed a "same race" policy in respect of fostering and adoption.
- 238. A "same race policy" will in many circumstances help to provide an appropriate fostering placement for children.
- In this particular case the two children concerned and their family made it absolutely clear that they did not wish to be placed with a family. The authority was right to check whether the two children had had sufficient opportunity to develop within the culture but it soon became obvious that the children and some of the family were able to articulate their requirements.
- 239. In early 1986 the requirements centred around an "English" family. Mr & Mrs 's involvement in the fostering is non-existent at that stage.
- 240. There was opportunity to keep within the same race policy that was missed ie. placing the children with one of the older brothers, but scant attention seems to have been given to this proposal. If it had been possible it may have prevented many

of the difficulties that followed. The only hint that is given in reports is that there may have been a difficulty in the older brother's accommodation. This could have been dealt with in a relatively easy manner.

- 241. With this placement not being pursued and it soon becoming obvious that no foster parent applicants would come forward from the community, it was not in the children's best interests to continue to seek a placement that they did not want.
- 241. Considerable time was lost and no other foster family was given the opportunity to care for the children. In May 1987 Mr & Mrs applied to foster the children and the boys saw it as an excellent opportunity to meet their personal agenda for an "English" foster family and other issues then take over.
- 242. In the main, the Lambeth equal opportunities policies would seem to have a reasonable and sensitive basis. The success of the policies will depend on their reasonable implementation and in this case the decisions over a long period of time were influenced by different policies, decisions and agendas without an early recognition of the strength of the children's feelings.

243. The children were able to gather considerable support in taking matters to complaints and grievance panels and to solicitors but the time it took for the boys strength and feeling to be understood was unacceptable. The initial decision to seek a foster family was in June 1986, the formal application was not made until October 1986. No replies were received to the first advertisement by January 1987 and a decision was taken to re-advertise. In September 1987 concern is expressed about not observing the "same race" policy. The children formally complained about delays in November 1987. In March 1988 another meeting was held to discuss the racial/cultural issues. In the same year the boys took out a grievance procedure over the delays. In October 1988 a decision was taken to set up an inquiry over the placement of the children in respect of the "same race" policy. Therefore over a period of two years and the "same race" fostering issue was still unresolved and no one was taking final responsibility to see that a decision was made that was clearly in the best interests of the children.

TO EXAMINE AND COMMENT UPON ANY CONFLICT OF INTEREST BETWEEN THE CONSIDERATION OF THE WELFARE OF CHILDREN IN LAMBETH'S CARE AND THE INTERESTS OF THE COUNCIL STAFF, AS APPLYING TO THIS CASE.

- 244. Why the confirmation of his appointment as an Officer in Charge of a Children's Home following the earlier disciplinary in 1986, had been legitimised as a carer. As he was so legitimised as an Officer in Charge of a Children's Home it was particularly difficult for the authority to disbar him from being a foster parent. Nevertheless this was the position in which the local authority found itself.
- 245. Although it could never have been foreseen, the decision toallow to continue as an Officer in Charge led to other
 decisions which were to a large extent based on justifying the
 earlier decision rather than doing what was correct at the
 time.
- 246. It would be almost impossible for a Schedule One Offender to proceed, very far, with an application for fostering today, and whilst the inquiry is absolutely satisfied that the local authority faced considerable pressure from all parties concerning the fostering of the children with Mr & Mrs , the inquiry is in no doubt that any sort of placement would have been ruled out had not been an employee of the Social Services Department.

- 247. It was frequently put to the inquiry that it was impossible to stop the children visiting in the manner described. However, the visits were to employees and never at any stage were Mr & Mrs threatened with disciplinary action if he did not obey the instructions that were given concerning visits.
- 248. The situation was further compounded, once the authority had refused to permit a formal fostering situation, by going to extraordinary lengths to try and set up a social uncle and aunt position for Mr & Mrs . The situation was made worse by a later decision to pay a boarding out allowance.
- 249. The inquiry is again forced to ask what was the difference between a formal fostering situation and the arrangement that was eventually made. In other words the children, for different periods of time, staying with Mr & Mrs and one of them having a boarding allowance paid for him.
- 250. It is unlikely that this situation would have been allowed to develop had not been an employee of the local authority. It is difficult not to conclude that the interests of the Council's staff were given undue preference and it certainly would not have developed in the same way had those involved not been employees.

TO EXAMINE AND COMMENT UPON THE MANAGEMENT INQUIRY AND AUDIT INVESTIGATION LEADING TO THE DISMISSAL OF IN 1991 AND TO CONSIDER AND COMMENT UPON LAMBETH'S RESPONSE TO THAT INQUIRY AND THE DISCIPLINARY PANELS RECOMMENDATIONS.

- 251. On the 29th June 1990 three officers from the Children's Services of the Social Services Department visited Angell Road Children's Home to undertake a spot check to ascertain the levels of stocks or provisions held in the establishment and to compare this with the value of purchases being reclaimed from petty cash. A spot check on the petty cash imprest was also undertaken.
- 252. The report shows at the time of this visit spending appeared to be 61% more than had been expected.
- 253. One of the children's services managers wrote on the 3rd July 1990 indicating that the spot check formed part of an initial investigation into excessive expenditure on the provisions vote for Angell Road Children's Home.
- 254. The examination of petty cash receipts during the spot check established that a considerable amount of purchasing was undertaken from Safeways stores. The local authority obtained statements from the managers of two of those stores in Croydon and Upper Norwood which enabled the type of purchases to be identified from the till roll receipts i.e. "l" for grocery, "2" for produce"6" for cigarettes, "7" for liquor.

- 255. Identification of these categories led the officers to believe that there was a possibility of financial irregularities at Angell Road Children's Home as items relating to cigarettes and liquor had been noted on till receipts on petty cash claims.
- 256. The Officer in Charge, , was called to Social Services Headquarters on the 10th July 1990 for a meeting with the Assistant Director (Children and Young Persons), a Children's Services Manager and a Senior Personnel Officer and was suspended from duty on full pay pending an investigation into the alleged financial irregularities.
- 257. In the coming weeks statements were taken from other members of staff at Angell Road Children's Home.
- 258. The first formal interview with was due to be held on the 22nd August 1990, but was unable to attend owing to illness and his first formal interview on this matter did not take place until the 8th November 1990.
- was then questioned about the overall responsibility for petty cash at Angell Road, responsibility for purchasing for the Home, method and place of purchase, and types of purchase. He was questioned closely relating to the purchase of alcohol and cigarettes from petty cash over a regular period. A second audit interview took place a week later and then there was a gap until the 4th February 1991 when a third interview took place relating mainly to issues concerning overtime claims.

- 260. On the 3rd May 1991 was informed that the investigation was complete and that a disciplinary hearing would be held on the 13th and 14th June 1991 at which the charges would be:
 - "1) That you used Council funds for unauthorised purchases during the period from April 1988 to May 1990.
 - 2) That you used unauthorised council funds for the purchase of alcohol and tobacco during the period from April 1988 to May 1990.
 - 3) That the unauthorised purchases were for personal benefit during the period April 1988 to May 1990.
 - 4.) That you deliberately falsified overtime claims during the period April 1988 to May 1990 for shifts not attended at Angell Road Children's Home.
 - 5) That you seriously breached financial procedures/ instructions by failing to operate the Angell Road petty cash system in accordance with the Directorate of Finance instructions.
- 261. Because of illness did not attend the disciplinary hearing on the set date. A new date, 2nd July 1991, was set. Again did not attend as he claimed he was unfit to do so. The authority offered to lay on transport to the hearing but this was declined. The local authority decided to proceed with the hearing in the absence of ...
- 262. The disciplinary panel found all charges proven and recommended his dismissal.
- 263. At the end of August appealed in writing but in September decided not to proceed with the appeal and left the Council's employment having been dismissed without notice.

- 264. Social Services and audit managers confined their inquiries to a specific period of time, namely April 1988 to May 1990 in respect of unauthorised purchases, and from April 1989 to May 1990 for falsified overtime claims. They felt that in time terms this would be the most sensible approach and would enable them to be thorough in their investigations.
- 265. The investigations and interviewing were in the opinion of the inquiry thorough and were able to establish unauthorised purchases and falsified overtime claims. The specified amounts on each of the petty cash claims were in themselves small but over a period of time the total claims could have been significant. Overspend in budgets had been happening consistently for a number of years. Whilst the local authority total Social Services budget was in difficulties it is clear that had been told on a number of occasions that he was considerably overspent but little or no action was taken until 1990.
- 266. Lambeth Social Services Department is to be applauded in their attempts to delegate authority relating to petty cash budgets to Officer in Charge. In giving this delegation it is, however, essential both for the sake of the authority's and their employees to ensure that there are sufficient checks and balances in the system. Audit Section had stopped doing reasonably regular checks within the home and had based much of their checking on

the forms submitted by Officers in Charge. A lack of staff in the Audit Section meant that a minimum amount of guidance and checking was being undertaken on individual homes. The situation was ripe for abuse.

- 267. The inquiry has had made available to it a document detailing the new procedures that are to be laid down in respect of petty cash imprest. The inquiry welcomes the document and urges its full implementation alongside a monitoring process. The quarterly audit of petty cash and inventory on an unannounced basis is particularly welcome.
- 268. If budgets are set and persistently overspent greater managerial intervention should be given to identify the reasons and to take necessary steps to control and monitor the situation.
- 269. The inquiry and audit investigation leading to sismissal in 1991 was thorough and was able to show that unauthorised purchases and falsified overtime claims had been made. The decision reached, in the inquiry's view, was a correct one.
- 270. However, breaches in financial procedures/instructions were in considerable part caused by a lack of management systems to exert reasonable control over the spending of public money.

- 271. Those procedures should be introduced for the safety of the authority in general, the staff they employ and the children in their care.
- 272. The procedures need not damage delegated responsibility which the authority, sensibly, wishes to give its Officers in Charge, in seeking to provide as much flexibility as possible.
- 273. Local purchases must be encouraged as must personal purchases by young people in care. In doing this, trust is given to staff and children. Inevitably, on occasions, this trust may be abused and employers must have systems that can reasonably check for misuse. The London Borough of Lambeth on this occasion did have some systems but they were totally inadequate in management terms to stop long term financial abuse.
- 274. One final point must be made in respect of the investigation. From the time of the initial spot check to some of this delay was a period of one year and three months. Some of this delay was caused by failing to attend hearings because of illness. But even taking this into account, the whole procedure took far too long. Whilst it would not have formed part of the case it has to be remembered that while was suspended from duty he was actually undertaking the care of at least one child who was in the care of the authority and was being paid to do it.

TO EXAMINE AND COMMENT UPON THE PROPRIETY AND EFFECTIVENESS OF ANY AGREEMENTS, WHETHER FORMAL OR INFORMAL, BETWEEN LAMBETH AND THE METROPOLITAN POLICE, CONCERNING THE POLICE INVESTIGATION OF ALLEGED OFFENCES BY LAMBETH EMPLOYEES AGAINST THE COUNCIL, WHERE ANY SUCH AGREEMENTS IMPINGE UPON THIS CASE.

- 275. The London Borough of Lambeth has a Code of Practice for Police/Council contact which sets out guidelines for Council contact with the police by all departments within the Council.
- 279. The Code has been examined and its contents are reasonable and fair and nothing within it would have prevented a police involvement in this case should the authority have so wished.

 Indeed it states:

"Clear evidence of a crime: Where there is clear evidence that a crime has been committed involving damage to or theft of council property YOU SHOULD REPORT IT TO THE POLICE.

Fraud: In cases of a suspected fraud you, or your Line Manager, should inform Internal Audit in the Directorate of Finance... they will investigate the matter and make all necessary contact with the police.

- 280. In a case such as this responsibility would therefore seem to lie with the Audit Section of the local authority although the inquiry is led to believe that considerable discussion would take place with the Social Services department.
- 281. The authority had involved the police in an earlier case involving alleged offences by Social Services staff, but on legal advice from the Crown Prosecution Service the case did not come to trial.

- 282. In the case involving , Audit and Social Services staff had undertaken a thorough investigation of the alleged misuse of council funds and reached a conclusion that the case in a disciplinary hearing could be proved.
- 283. Some brief discussion may have taken place between Audit and Social Services staff as to whether the police should be informed but some witnesses were less clear than others on this matter. What is clear is that the police were not informed and that the reason for this was it was felt the police would not be interested in "fraudulent use of petty cash" which would not be considered to rank high enough in police investigation priorities.
- 284. Local authorities are, of course, dealing with public money and are accountable for the use of that money in law.
- 285. When allegations are made of a possible criminal offence the normal action should be to involve the police.
- 286. It is dangerous to make presumptions that the police would not wish to act further and in this case the police should have been given the opportunity to investigate and for the legal authorities to decide whether there was a case to answer in law.

- 287. The inquiry is, however satisfied that despite the decisions taken there were no formal or informal agreements in this between Lambeth and the Metropolitan police concerning police investigations of alleged offences by Lambeth employees against the council.
- 288. A further point on this matter should be made. A note on the disciplinary file indicates that "the Department of Health should be informed of solution of solution of should be informed of solution should be informed of solution of solution of solution of solution of this being done in the information made available to the inquiry. The Department of Health did have a record of solutions o

CONCLUSION

- 289. Although the terms of reference give the opportunity for recommendations to be made their emphasis was on examining and commenting. The inquiry hopes that this has been done in a manner that will prove helpful. No specific recommendations are made but the report indicates some general approaches for the future.
- 290. It is now unlikely that a Schedule One offender, anywhere, would be permitted to remain in employment in such a sensitive post or to be considered as a foster parent whether in the private or statutory sector. The climate in the present day leads to a much more rigorous approach and it is reasonable to expect the London Borough of Lambeth to take such an approach in the future.
- 291. The authority has already taken some steps to tighten up and improve its procedures in relation to the selection of staff and the use of Council money in petty cash accounts and comments have been made within the report which will hopefully help further.

- 292. The inquiry was aware during its investigations that the Social Services Inspectorate of the Department of Health was undertaking an inspection within Lambeth Social Services Department. The inquiry is not aware of the outcome of that inspection but it would be helpful if the contents of this report were considered as part of a monitoring exercise by the SSI in any future inspection.
- 293. As in so many other reports concerning residential child care in other local authoritites—the major issue that arises relates to the management of those services. In this case there had, on occasions, been some arrogance in—professional attitudes that directly effected children in care and the inquiry cannot stress too strongly the views so often previously expressed that the calibre and ability of senior and middle management will dictate to a very large extent the service that is offered.

