

**Events and Circumstances Associated with Changes
to Services at a Home Providing Residential Respite
Care for Children with Disabilities**

Part 1: Introduction and Appendices to Part 1

**A Review for the London Borough of Lambeth
6th September 2000**

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Review of Events and Circumstances Associated with Changes to Services at a Home Providing Residential Respite Care for Children with Disabilities

Part 1: Introduction and Methodology

Background

- 1.1 In March 2000 the Executive Director of Social Services for the London Borough of Lambeth met with [REDACTED] and subsequently commissioned [REDACTED] to undertake an independent review of the above events and circumstances. This followed political and public interest in a reduction of service that occurred at Chestnut Road, a Council – run residential unit for children with disabilities, during the Christmas and New Year holiday period, 1999/2000.

Terms of Reference and timescales

- 1.2 The Executive Director of Social Services provided a lengthy verbal briefing about the events themselves, the circumstances leading up to them and the Council's requirements of the review report. The following terms of reference are based upon notes taken by the reviewer at the briefing session.

The report that follows:

- Presents a review of the Directorate's analysis of previous difficulties at Chestnut Road, the reasons for them and the management actions taken in response.
 - Comments on the robustness of the proposed action plan formulated by the Directorate to deal with the managerial difficulties identified.
- 1.3 The Executive Director of Social Services saw these as urgent matters and it was agreed that the commission should be fast moving and report back to her within two months of the date of its commencement. Although work started promptly some delay ensued while some contractual issues that subsequently arose were resolved.

The Review Methodology

- 1.4 The review methodology was made up of four parts:

(i) Background reading

A selection of background material, some supplied by the Council and some from other sources, was studied to provide a context to part (ii). A list of this material is given at Appendix 1.

(ii) Interviews with key staff

The reviewers developed an assessment framework (see Appendix 2) with which to carry out detailed interviews with a list of key staff identified by the Executive Director of Social Services. The employees contacted were as follows:

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- Acting Assistant Director of Children and Family Services [REDACTED]
- Unit Manager of Chestnut Road [REDACTED]
- Service Manager [REDACTED]
- Complaints Office [REDACTED]
- [REDACTED] Manager – Children with Disabilities Team [REDACTED]
- Head of Human Resources [REDACTED]
- Head of Inspection [REDACTED]
- Inspector for Chestnut Road [REDACTED]
- Head of Child Protection [REDACTED]
- Assistant Director Adult Services [REDACTED]

Standard questions were put to the interviewees using the assessment framework. They were also asked to produce any written material available to support their responses to the questions. As a result a significant number of e-mail copies were supplied to the reviewers, and other correspondence was also received.

(iii) The Chronology (see Part 2 of this report)

Using material from the first two phases of the methodology a detailed chronology of events was constructed. This was juxtaposed with extracts from a briefing paper on these events by the Acting Assistant Director prepared at the Executive Director's request following a tripartite meeting with councillors on 25.1.00 (see Appendix 3). The purpose of the extensive chronology is to attempt to order and in some cases explain a complex set of events over an extended period of time, either documented or recalled by review participants.

N.B. The reviewers caution that given the amount of material presented to them by review participants, the chronology is not exhaustive, contains some undated material, and to some degree relies not only upon the memories of participants, but also upon their own interpretation of the material. Nonetheless, they believe that the chronology does provide an account of events as they unfolded, an explanation of some of the decisions taken, and also gives rise to a number of themes and issues which are considered further in Part Three.

(iv) Detailed analysis of key issues (see Part 3 of this report)

Part 3 of the report contains an analysis of some key issues that emerged from the reviewers' study of the chronology and which were considered to have implications for the Directorate's action plan as outlined in the Briefing Paper at Appendix 3. Consideration has also been given to the action plan in respect of future respite services prepared by LS Associates, although the reviewers did not consider it within their remit to undertake a critical analysis of this material. Recommendations are provided with a view to strengthening and supporting the Directorate's plan.

(v) A Response to Comments Received

Part 4 reproduces the written responses to the drafts of Parts 1-3 of this report circulated in June 2000 and are presented together with the reviewers' observations.

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The analysis relates to the following broad areas:

- The management of the inspection process in relation to Chestnut Road Respite Care Unit. This includes reference to the Council's Committee/Member reporting arrangements and the reporting responsibility of the Head of Inspection to the Chief Executive.
- The management of human resources issues and their relationship to child protection concerns.
- The decision to close /change Chestnut Road - key issues and actions taken
- Consultation with parents and carers
- The Children with Disabilities Social Work Team (CWDT)

The reviewers conclude by giving consideration to other management issues associated with the decision to transfer the service to the Children's Services Division, the provision of legal advice in respect of social services and the performance of managers.

The Presentation and Status of the Report

- 1.5 This report has been produced in four Parts separately bound as a confidential briefing for the Council and addressed to the Executive Director of Social Services. Each Part should be read in conjunction with the others and are not 'stand alone' documents.
- 1.6 In order to conduct their analysis and to make their recommendations it has been necessary for reviewers to identify the actions and comments of a number of individual staff whose identity it has not been possible to protect. It has also been necessary at times to comment upon the standard of work of some staff members. Where that work has related to children and families receiving a service from the Authority, some may be identifiable. Further, in commenting upon these events attention has been drawn to some aspects of the Council's policies, procedures and practices that if made public could attract public concern and criticism. Therefore, in the event that the Council might decide to publish this report, or make public any part of it, this may occur only on the express understanding that any ensuing liability whatsoever will fall upon the Council. Consultants for Personal Social Services can accept no liability in such circumstances.

Acknowledgements

- 1.7 The reviewers wish to convey thanks to all those who have participated in and assisted with this review. The report that follows could not have been written without the openness and honesty with which participants have provided both written documentation and their personal insights regarding the events and circumstances that unfolded.

Richard Evans [REDACTED]
Consultants for Personal Social Services
6th September 2000.

**Events and Circumstances Associated with Changes to Services at a Home
Providing Residential Respite Care for Children with Disabilities**

Appendix 1: Documents Consulted During the Course of the Review

Legislation, Regulations and Guidance

The Children Act 1989 HMSO

Volume 4 Regulations and Guidance to the Children Act 1989 - Residential Care HMSO

Volume 6 Regulations and Guidance to the Children Act 1989 – Children with Disabilities HMSO

Children's Home Regulations 1991(HMSO and within Volume 4)

Arrangements for Placement of Children (General) Regulations 1991

(HMSO and within Volume 4)

Committee Reports and other Reports to Members of the Council

"The Appleby Report" – Lambeth Council July 1995

Strategy for Services for Disabled Children – Social Services Committee 16/2/1995

Inspection of Planning and Decision Making for Children Looked After – Lambeth

June 1997 Social Services Inspectorate

Inspection of Council Run Care Homes: 1997 – 98 Social Services Committee 2/7/98

Response of Adult Services Division to the Inspection Report on Directly Provided Residential
Homes - Social Services Committee 2/7/98

"The Barratt Report" – Lambeth Council September 1999

Briefing Note for Executive Director of Social Services from acting Assistant Director

Focus Group on Children with Disability, Sub Group Respite Care (undated but thought to be
April 1999)

Inspection of Council Run Care Homes: 1998 – 99 Policy Committee 2/2/2000

Inspection of Council Run Care Homes: Response of the Executive Director of Social Services
1998 – 99 Policy Committee 2/2/2000

Joint Review Position Statement March 2000

Other Reference Material

Children's Homes Revisited – Berridge D. and Brodie I. University of Luton March 1997

Inspection Reports

Inspection Report Chestnut Respite Unit for Children Year April 1997 to March 1998

Inspection Report Chestnut Respite Unit for Children Year April 1998 to April 1999

Reports Prepared for Director(s) of Social Services

Monkton Street Respite Care Unit - Review Report 1994

Report of Risk Assessment (on an employee) for the Executive Director of Social services from
the Children's Homes in Lambeth Enquiry Team (undated but thought to be 1999)

Direct Correspondence with CPSS

Letter from the Executive Director of Social Services to CPSS 22/3/2000
Letter from the Service Manager to CPSS 22/3/2000
Letter from the Head of Inspection to CPSS 23/3/2000
Letter from the Complaints Officer to CPSS 3/4/2000
Letter from the acting Assistant Director to CPSS 3/4/2000

E- Mail Copies Supplied by Review Participants and other Officer Correspondence

E Mail re Place of Safety Issue at Chestnut Road 28/3 2000 (acting Assistant Director)
Minutes of a Meeting for parents and carers 8/3/2000
Securing Alternative Provision of Respite care for Children with Disabilities consequent on the Closure of Chestnut Respite Unit – action plan Lucas Sandburg Associates (undated)
Letter to Parents from the Executive Director of Social Services 22/2/2000
Letter to the Social Services Inspectorate – re. [REDACTED] from the Executive Director of Social Services
Draft Report for SSI from EDM 5/1/2000
Various E Mail copies from the Service Manager (87 pages in total) sent/received in 1999/2000 (Batch 1)
Various E Mail copies from the Service Manager (13 pages in total) sent/received in 2000 (Batch 2)
Various E Mail copies from the Head of Inspection (38 pages in total) sent/received in 1999/2000
Various E Mail copies from the Complaints Officer (23 pages in total) sent/ received in 1999/2000
Various E Mail copies from the acting Assistant Director (4 pages in total) sent/ received in 1999/2000
Statement of Purpose Chestnut Respite Care Unit (undated)
Fax from the Inspector with regard to events in November 1999
Memorandum to Staff at Chestnut Road re Future Plans 29/10/1999
Letter to Director of Social Services from the Children's Society re Consultation 20/12/1994

Press / Media Material

"Time to put the focus on the victims of Abuse" – South London Press 18/2/2000
"Worker Sacked at Respite Unit" – South London Press 24/1/2000

Notes of Interviews

The reviewers also relied on detailed notes taken in the course of interviews with review participants. An outline of the subject areas covered is available at Appendix 2: Sample Letter Sent to Review Participants. The review participants are listed in the Introduction to this report.

**Events and Circumstances Associated with Changes to Services at a Home
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Appendix 2: Sample Letter Sent to Review Participants

14th March 2000

Dear

I know that by now you are aware that we have been commissioned by the Director of Social Services to undertake a time limited review of the circumstances which led to the closure of the Chestnuts and to advise on the action plan to address managerial issues currently being formulated by the Directorate.

It would be very helpful to me if we could meet to discuss your views and perceptions of the above events, together with any aspirations you may have for the future of the service. I would be happy to explain further our brief if that is necessary but in the meantime thought that it might useful to list below the sort of initial areas of interest on which our discussions might proceed.

- The intended role and purpose of the unit and the degree to which these objectives were ever met and how was this matter assessed by managers.
- The point at which managers became aware of concerns about inadequate standards being offered and the nature of any efforts made to improve things by the Directorate, other senior managers and members.
- Why did the Inspection Unit not review the service until 1997 and what efforts were made to implement the guidance in LAC (92) 14 given under section 7 of the Local Authority Social Services Act?
- Were the Inspection reports of 1997- 1998 and 1999- 2000 seen by members and if so were the deficiencies and their implications clearly spelt out and what recommendations were made to remedy the situation?
- It is clear from earlier documentation that the Authority accepted that the Home fell within the requirements of the Children's Homes Regulations 1991 even if formal inspections did not take place until 1997. To what extent were these met, e.g. has the authority retained the written records of statutory visits required at regulation 22(4) and has it acted on the recorded deficits?
- To what extent were senior managers in control of the Chestnuts and conversely to what extent did staff control events. If the latter was to be the case what was done / attempted to redress the balance?

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- Why was the Chestnuts managed by the Adult Services section until 1998; on what basis was the decision made to reduce staffing which already appeared not to have complied with the Children Homes Regulations; and how did this decision relate to the authority's duties to safeguard and promote the welfare of children.
- On what basis was access to service arrived at; what were the criteria for receiving a service; were these publicised widely and did any group of parents receive inequitable levels of service? To what extent did individual planning, assessment and review take place and what were these arrangements? To what extent did these assessments determine service levels or were other factors at work?
- How did the Authority ensure that a number of its primary duties under the Children Act were met? e.g. the principles of partnership with parents and carers and seeking to take account of the wishes and feelings of the child.
- To what extent were parents consulted about important matters and were these arrangements effective? Why do parents now apparently feel that when they made a complaint in the past it was likely to be ignored
- What were the arrangements for child protection with regard to the vetting of staff via the DOH and Police? Were there guidelines and training available to staff on child protection matters and were these consistent with the guidance?
- How did a man with a serious criminal history of offences against the person become employed and why after the inconclusive child protection investigation was it proposed to return him to work with vulnerable children? Were any other staff with criminal convictions employed or retained in the unit?

I have no doubt that you will also wish to bring other issues and perspectives of your own to our meeting and I am happy that you do so. Conversely, with the passage of time other issues may become apparent which I shall wish to clarify with you.

Yours sincerely



**Review of Events and Circumstance Associated with Changes to Services at a Home
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**Appendix 3: Briefing Note for Members Prepared by the
Acting Assistant Director of Social Services
(Children and Families)**

Note: The following report has been reproduced from the original by electronic means for insertion in the reviewers report.

CHESTNUT RESPITE CARE

This briefing is written in response to the Executive Director's request following a tripartite meeting with councillors on 25. 1.2000. The information is based on feedback from the relevant managers. Some of the information has been substantiated by written documentation. Within the limited period available, it was not possible to read the documents in depth. Below is a summary of the information obtained to date.

Historical context

Respite Care Services for children with a disability in Lambeth was first provided from Warham Road then Monkton Street until in 1996 when the service moved to Chestnut Road because it was an empty building in a better condition. Chestnut Road was managed by the Adult Division until 2nd October 1998 when the current manager took over.

In 2nd July 1998, the Adult Division presented a report to Social Services Committee outlining cost cutting proposals changing and reducing the staffing complement, which Committee accepted. The report was primarily about adult services residential provision but Chestnut was also specifically referred to.

The proposals were in breach of the SSI standard against which Lambeth's other residential homes had just been inspected and were against researched good practice standards. The proposals meant that staff would be employed on a part time basis for short hours. While it could be argued that a good business case had been made this action effectively almost doubled the numbers of staff intimately caring for very vulnerable disabled children (from 19 to 30). In addition, the proposal and subsequent action reduced managerial capacity to ensure the necessary surveillance. All deputy manager's posts were deleted.

The internal inspection unit first inspected Chestnut in 1997. The reasons for this are twofold. Firstly, it is advisory guidance (LAC (92)14 rather than law, that requires the inspection of Local Authority run Children homes. This is different for Private and Voluntary Homes, where it is the law that they are inspected. Secondly, it is reported that the inspection unit has not been resourced to carry out this function and have highlighted this issue in annual reports. It is however not clear that the reports specifically said 'this means that Chestnut is not being inspected'. When the SSI inspected Lambeth's Children's Homes in 1994 they asked Lambeth to meet both statutory and advisory requirements. Our inspection unit reports not being able to do so before 1997.

The home was staffed by unqualified residential staff from the Children homes that Lambeth closed following the SSI inspection in 1994. The current manager was not involved in the process but discovered some time after she was asked to 'act up' that she had on her 'establishment' a worker who had been suspended for fraud awaiting a CAFT investigation. A

number of other workers remained in the adult Division, thus, immediately reducing the staffing levels.

It later transpired that another worker had significant convictions. Another was later suspended for allegedly interfering with a young boy [REDACTED] and during the process of investigations was found to have a criminal record resulting in imprisonment over a significant period (ABH & GBH). There was also some indication that he had been having 'affairs' with parents and colleagues. There had also been a 'break in' and a worker alleged that the intruder had raped her.

It became apparent to the manager that staff had not been police checked. This matter was subsequently addressed. Staff generally refused to be managed. They reported in sick daily. When the manager appeared without notice to check, she was told of staff sleeping on duty. She also sometimes found that staff had gone home leaving the children inadequately supervised. The manager became extremely concerned given the vulnerability of the children in Chestnut some with speech and other communication impairments.

One particular issue that the manager could not be confident about given the attitude and behaviour of staff was that they would properly administer the medication the children needed. Fearing that the children could be given the wrong medication, too much or too little. The manager addressed the issues with individual staff members in supervision, with the entire staff group in unit meetings, with her line manager and with personnel. Staff were referred for sickness medicals and were given written warnings. Improvements were short lived. The manager of Chestnut reports that she asked the Assistant Director for assistance and was told to go and get counselling.

Service History

The respite care service was not underpinned by procedures, eligibility criteria etc. In 1994, a critical review was undertaken and it was discovered that no one knew which children were receiving a service. The small group of parent who knew of the service simply dropped their children off and received a service when required. It was not an equitable service provided to those most in need. More affluent and vociferous parents have been and continue to be the main recipients of the service.

Following the 1994 Review it was established the social work team for children with disabilities would have to assess families and that Respite Care services would be provided only after that assessment. The care packages were not systematically reviewed thereafter. All care packages should be reviewed yearly.

Decision to reduce and then cease providing a service from Chestnut Road.

In 1998, the service was transferred to the Children and Families Division. The budget transferred was based on the new staffing structure agreed by committee and it was therefore 17% short of the budget required to pay the 'established' staff group. In effect the budget had a build in overspend which was compounded by the two members of staff who had been suspended and the 6 staff with on average 30 days sickness levels requiring agency cover at an increased cost.

Senior manager from both Divisions decided to close the service in order to facilitate the implementation of the committee report proposals. The staffing features were a factor in the decision also. Staff were given redundancy notices and 'figures' on 25.10. 98.

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Letters were sent to parents inviting them to a meeting, in April 1998, to tell them about the closure and future plans. 70 letters were sent. 12 parents attended. Parents were promised further details but they were never provided. Parents who did not attend were not pursued.

It would have been appropriate to put alternative packages in place for all the children affected or to at least use the opportunity to reassess need. This was the responsibility of social work team for Children with Disabilities. This work appears not to have been undertaken. Only parents who knew and complained received attention. The Children with Disabilities team maintain that they were not involved in the decision making processes and were never formally notified of the closure however there is information that they knew of the decision. It is confirmed that there was no concerted activity to identify the families affected and arrange alternatives, irrespective of how the team became aware of the closure. Children's needs were not the priority in the dispute that ensued about the poor communication that there had been.

The significant issue is that parents had a program of 'bookings' for their children over the year every year, generally during school holidays, some weekends and evenings. The issue of what alternative would be in place for periods already agreed was never addressed, hence the current difficulty with some parents only becoming aware of the change latterly and correctly, are complaining.

Drift - 1998-1999

For 1 year, staff sat waiting to complete the redundancy process (although they did not really believe it would happen). During the first 6 months of that period despite high sickness levels, an attempt was made to provide the same level of service as before (9 children at any one time). It became apparent that it was not safe to do so primarily because of the levels of supervision needed by children and staff. The manager in consultation with the service manager decided, in July 1999, to reduce the service to 4 children at any one time. The Director in place on 11th May 1999 was told by the service manager of this plan to reduce the numbers. The service manager report having been that told that it was not necessary to report this to committee.

Letters were sent to parents affected by the reduction. It is reported that the Children with Disabilities team were sent a list of the children affected with the expectation that they contact the families offering assistance. They have confirmed that in this type of situation they would normally contact the families and assist with alternative arrangements. More time will be needed to confirm exactly that the families affected were contacted.

They have also confirmed that there was a post whose role it was in part, to liase with Chestnut and to ensure that issues between the two sections of the division were addressed. A decision was made by the relevant managers to use the post to 'do other things'.

Current Acting Assistant Director's role

I was made aware of the outstanding staffing issues. The necessity to resolve them quickly was discussed with the relevant personnel manager in July but only expedited by the new personnel manager in October. It was my understanding that the service issues were attended to but clearly the complaints of which I am aware of 3, has revealed the lack of attention to these issues. It is acknowledged that the complaints need to be responded to in a more timely manner. The Complaints officer, who would not normally assist in the early stages of a complaint, has now been asked to help.

The New Service

In line with services offered by other boroughs the proposal is that respite care services in Lambeth comprises of, respite foster carers, an outreach service with properly vetted workers going into family homes to relieve carers; after school and holiday schemes and a residential service to be used exceptionally. While these proposals make sense and from my knowledge would bring Lambeth broadly in line with other boroughs, the new service will need to be properly established.

Clear and communicated eligibility criteria will need to be developed for the new service. It will be necessary to research what the best services would be and to include consultation with service users in this process. Partnerships with Health, Education and the Voluntary sector must also be explored further. Thereafter agreement through the appropriate decision making processes will have to be sought and an implementation plan, which is monitored, will need to be put in place.

Lambeth's respite care service and social work service for Children with Disabilities Service will need to be adequately managed under one management structure. This will be addressed by the implementation of the new structure. This model was not specifically proposed in the restructuring report recently accepted by committee but it will now be a more explicit part of the new structure if elected members are in agreement.

Errors in communication were made and this will be explored with the relevant service managers. In the meantime, it will need to be noted that packages to the families will incur cost not built into the Division's budget. This will need to be quantified and decisions made thereafter.

Resolution of issues identified above:

As of today with the exception of the manager, only one of the previous staff in Chestnut remain employed. This individual is on [REDACTED] leave and the Personnel Section is expecting to conclude the matter within the next two weeks.

The CHILE team were alerted to the issues relating to the alleged sexual abuse of a child by the employee with a criminal record. Their report resulted in his departure from the department's employment.

Summary

It took over 2 years to implement committee agreed changes. The management of Service User issues was poor. Parents now need to be identified. A fulsome apology is needed. Commitment up to the summer holiday will need to be honoured and the task of establishing a new service will need to be undertaken. Care Packages will all need to be reviewed. Given the fact that the budget is spent for this year, new packages where appropriate will result in additional cost. A meeting of the relevant managers will be held next week in order to address the immediate as well as the longer- term issues.

A full report will be presented to Policy Cabinet in April setting out the issues together with an action plan.

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to Services at a Home Providing Residential Respite
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Part 2: Chronology and Reviewers' Commentary

**A Review for the London Borough of Lambeth
6th September 2000**

Review of Events and Circumstances Associated with Changes to Services at
a Home Providing Residential Respite Care for Children with Disabilities

Part 2: Chronology and Reviewers' Commentary

Introductory Comments

- 2.1 The material studied by the reviewers and found in the first instance in the following chronology provides a picture of a complex scenario unfolding over a period of years. In part some aspects of the material are contradictory, and it is recognised and understood that with the passage of time memory of detailed events and their outcomes can differ from individual to individual. It must also be emphasised that the reviewers have been provided with a great deal of information, and have had to make judgements about which aspects of this may be particularly relevant to the course of events at Chestnut Road. It should be noted, too, that the text of e-mails – which have been numerous in this case – tends to be curtailed and often informally expressed. This being the case, the reviewers have sometimes had to make judgements about the meaning and significance of the information contained in the e-mails cited. The timescale for the review has permitted limited opportunity for the reviewers to check their understanding with the originators of the material provided.
- 2.2 In light of the above the reviewers would wish this chronology to be read in terms of providing themes and explanations for individual and organisational behaviours that are not always evident in 'snap shot' judgements of why people have or have not done things. In the view of the reviewers, as the chronology progresses, it becomes evident that the individual players were making difficult decisions in an ongoing situation of great complexity and some of these issues are explored in Part Three of this report. It is because the reviewers consider that individual decisions – or failure to make decisions – have to be seen in the wider organisational context, that they have presented the chronology as integral to the report, rather than as an appendix.
- 2.3 In this chronology the reviewers have listed events, and interpretations of events, as they have been able to piece them together from various sources of information supplied by those involved. It should be noted that there are question marks over a number of dates, either because specific dates were not given or because in some cases documents were undated. The chronology is annotated with extracts from the report of the Assistant Director of Social Services that, it is understood, was produced at the request of the Executive Director of Social Services following the tripartite meeting held on 25 January 2000. These extracts are intended to add to the reader's understanding of unfolding events from the perspective of the Directorate. The material extracted from that report is shown in ***bold italic script***. The reviewers' commentaries are in *italic script* and are developed more fully in Part Three.

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Chronology of Events

Date	Source	Event / Comment
1989 onward	Extract from Briefing Report for EDSS 25/1/2000.	<i>"Respite Care Services for children with a disability in Lambeth were first provided from a building in Warham Road, then moved to Monkton Street until 1996 when the service was again moved to Chestnut Road because it was an empty building in a better condition."</i>
1993	Joint Review Position Statement March 2000	In response to concerns about issues of fraud and "organisational incompetence" Elizabeth Appleby QC was retained to undertake an independent inquiry into the Council.
1994	Extract from Briefing Report for Executive Director of Social Services 25/1/2000.	<p>In providing a historical context to her report PR notes that: <i>"The respite care service was not underpinned by procedures, eligibility criteria etc. In 1994, a critical review was undertaken and it was discovered that no one knew which children were receiving a service. The small group of parents who knew of the service simply dropped their children off and received a service when required. It was not an equitable service provided to those most in need. More affluent and vociferous parents have been and continue to be the main recipients of the service."</i></p> <p><i>Following the 1994 Review it was established the social work team for children with disabilities would have to assess families and that Respite Care services would be provided only after that assessment. The care packages were not systematically reviewed thereafter. All care packages should be reviewed yearly."</i></p>
20/12/94	Letter from The Children's Society to DSS	Children's Society expressed 'dismay' over process of intended closure of Chestnut Road and drew DSS attention to section 22(4) - Duty to ascertain the wishes of children and consult parents and significant others.
1994	Report on Monkton Street Respite Care Unit	<p>Monkton Street Respite Care Unit – Report dealt with the problems that existed at the time and as it transpires were magnified as years passed by, following the transfer of the service to Chestnut Road.</p> <p><i>It appears likely to the reviewers that had the recommendations of this report been implemented in their entirety, or been referred to from time to time by those responsible for services to children with disabilities, much of the dispute and disagreement between staff themselves and parents may not have occurred. It is not clear why the report's recommendations were not implemented.</i></p>
1994	Reviewer's interviews with senior staff	The reviewer was informed that following an SSI report into children's homes operated by Lambeth Council, the Authority decided that they should be closed with the

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		<p>exception of Chestnut Road. Management of the services was given to Adult Services who, it appeared for the greater part, dealt with the home under the Registered Homes Act 1984, rather than as a Children's Home subject to the Children Home Regulations 1991.</p> <p><i>The reviewers have taken the view that the basis on which the home was provided stemmed from section 53(1)(b) of the Children Act 1989 and therefore that it should have been regarded as a 'community home' within the meaning of the Act and the Children Home Regulations 1991 and Arrangements for Placement of Children (General) Regulations 1991 applicable. However, they emphasise that the legal status of respite care homes for children with disabilities has been the subject of debate nationally and that the matter is expected be clarified with the enactment of the Care Standards Bill.</i></p>
In relation to 1995/99	Interview with [REDACTED]	<p>[REDACTED] informed the reviewer that "the 30 day issue was spotted in 1995 and LAC documentation began to be produced but the children did not receive the sort of service that was needed following the departure of the social worker for respite care"</p> <p><i>The reviewers are not been able to clarify what the legislative basis of the "thirty day rule" but have presumed that it stems from the Arrangements for Placement of Children (General) Regulations 1991 (see Children Act 1989 Guidance and Regulations Volume 4).</i></p> <p>She said that care in the unit was adequate but the staffing levels were not. With regard to placements prior to the introduction of LAC documentation all arrangements were made on a self-referral basis direct to the unit. After 1995 social workers of the CWDT team allocated places but "there was no order to it, they tried to impose a 50 day maximum but had no criteria. The parents who shouted the loudest got the most."</p>
16/2/95	Social Services Committee	<p>Strategy for Services for Disabled Children considered by the Committee. Whilst the document (based on the Monkton Street Review of 1994) was accepted in principle for the purposes of consultation with users, carers and their representative organisations, it is not clear to the reviewers that officers carried out the action at paragraph 16 of the document as required by members, or that the strategy was significantly referred to in any further review of services for disabled children planned for 1995/96.</p>
28/7/95	Joint Review Position Statement March 2000	<p>The Appleby Report was published. The Joint Review Position Statement commented that the Report 'portrayed an organisation in fundamental breakdown with an infrastructure leading to opportunities for fraud and corruption. A complete lack of managerial expertise at senior management levels was also identified and the political administration was rebuked for a lack of common purpose and shared attachment to public service values. With regard to recruitment policies and procedures the following observation was made; "Lambeth appeared to apply a recruitment policy which led to staff being recruited</p>

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		who were not only unqualified and inexperienced, but were totally unsuitable for the jobs given to them. The recruitment of staff bore signs of nepotism."
1997	<p>Extract from Briefing Report for Executive Director of Social Services 25/1/2000.</p> <p>Letter from [REDACTED] Head of Inspection, 23.3.00</p>	<p><i>"The internal inspection unit first inspected Chestnut Road in 1997. The reasons for this are twofold. Firstly, it is advisory guidance (LAC (92) 14 rather than law, that requires the inspection of Local Authority run Children homes.Secondly, it is reported that the inspection unit has not been resourced to carry out this function and have highlighted this issue in annual reports. It is however not clear that the reports specifically said 'this means that Chestnut Road is not being inspected'. When the SSI inspected Lambeth's Children's Homes in 1994 they asked Lambeth to meet both statutory and advisory requirements. Our inspection unit reports not being able to do so before 1997"</i></p> <p>The Head of Inspection has informed the reviewers that:</p> <ul style="list-style-type: none"> • The resources and priorities of the unit in its early years (1991/ 1994) did not allow for the inspection of local authority run children's homes; • The SSI Inspection of the Inspection Unit in 1994 lead to first priority being allocated to 'statutory inspections'; • The SSI Inspected the local authority homes in 1994; • The annual reports of the Inspection Unit have kept members informed about the priorities of the Unit against available resources; • The Council decided to close their own children's homes and replace them with three newly defined residential facilities and it was intended that the Inspection Unit would undertake an assessment equivalent to registration; • The Council subsequently decided not to open the three homes and to commission instead two homes from the voluntary sector; • The Inspection Unit was not notified of the continuing residential service for children with learning difficulties; • At the request of the Assistant Director (Adult Services) in 1997 it was decided to begin inspection of Chestnut Road <p>The Head of Inspection also said that the Inspection Unit was unaware for a period of 2 1/2 to 3 years that Chestnut Road had been operating as a children's home because they had not been informed that this was the case.</p> <p><i>There appears to have been a significant failure in communication between the operational division and Inspection Unit that gives rise for concern.</i></p>
	Interview with [REDACTED]	In relation to inspection reports for Chestnut Road [REDACTED] said that her team had not seen these but had "an expectation that where an organisation provided a place that it should be a safe place"

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		<p>but would expect that any prolonged distress on the part of any individual children would be the subject of discussion at a case review. However, it appears from the above extract from the Briefing Report for Executive Director of Social Services of 25/1/2000, that regular reviews may not have taken place. Although the report identified that staff problems had led to a failure of the system for reviews, this was not specified within the Inspector's requirements and recommendations and the Head of Inspection subsequently commented that by 19/8/1998 there was evidence that reviews were being carried out.</p>
April 1998	Extract from Briefing Report for Executive Director of Social Services 25/1/2000.	<p>"Letters were sent to parents inviting them to a meeting, in April 1998, to tell them about the closure and future plans. 70 letters were sent. 12 parents attended. Parents were promised further details but they were never provided. Parents who did not attend were not pursued."</p> <p>From other information provided the reviewers suspect that the date given for this meeting in the briefing report is incorrect/ a typing error, and should read 'April 1999' On this assumption this section is replicated below under April 1999.</p>
June 1998	Notes of a meeting 18/3/2000	<p>Member of staff suspended following "frequent critical incidents including a serious allegation".</p> <p>These events appear to be at variance with the high standards noted in the inspection report of March 1998 and report to the SSC in July 1998 in which the reviewers found no mention made of them.</p>
June/ July 1998	File note from [REDACTED]	<p>[REDACTED] informed by [REDACTED] that "Chestnut Road was coming my way" [REDACTED] said that he asked the then Assistant Director Children and Families if this were true and was told no decision had yet been made. However on returning from holiday he was told to arrange handover.</p>
2/7/98	Extract from Briefing Report for Executive Director of Social Services 25/1/2000.	<p>"In 2nd July 1998, the Adult Services Division presented a report to Social Services Committee outlining cost cutting proposals changing and reducing the staffing complement, which the Committee accepted. The report was primarily about adult services residential provision but Chestnut Road was also specifically referred to. The proposals were in breach of the SSI standard against which Lambeth's other residential homes had just been inspected and were against researched good practice standards. The proposals meant that staff were be employed on a part time basis for short hours.....this effectively almost doubled the numbers of staff intimately caring for very vulnerable disabled children (from 19 to 30). In addition the proposal and subsequent action reduced managerial capacity to ensure the necessary surveillance. All deputy manager posts were deleted....."</p> <p>In 1998, the service was transferred to the Children and Families Division. The budget transferred was based on the new staffing structure agreed by committee and it was therefore 17% short of the budget required to pay the 'established' staff group. In effect the budget had a</p>

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	<p>Response of Adult Services Division to the Inspection Report on Directly Provided Residential Homes to SSC 2/7/98</p>	<p>built in overspend which was compounded by the two members of staff who had been suspended and the 6 staff with on average 30 days sickness levels. This required high levels of agency cover at an increased cost."</p> <p><i>It is not evident to the reviewers whether elected members had been informed that the service was not viable from an economic perspective or what the implications would be for the quality of service provided. This evaluation of the impact of the changes on Chestnut Road is at variance with the following extract from the EDSS Response to the report of the Head of Inspection to SSC on 2.7.98: "<u>Chestnut Lodge</u>, the first inspection of this unit is welcomed. The move to the Children and Families Division should assist in the integration of the unit with other children's services, and in the planned programme of service development. The unit has also received independent recognition of its high standards."</i></p> <p>(i) <i>It is the view of the reviewers that given the problems identified in the Inspection Report to SSC of 2/7/98 it is likely that the decision taken by the committee was legally flawed in that it may have had the effect of contravening the Children Home Regulations (1991) regarding Establishment Numbers and set out in Volume 4 Guidance and Regulations at paragraphs 1.28 and 1.29. Consideration needs to be given to whether committee made the decision unwittingly, or whether they had been explicitly informed of the possible pitfalls by their officers and legal department. However, it should be noted that there is some ambiguity about the legislation under which Chestnut Road was inspected.</i></p> <p>(ii) <i>By further exacerbating staffing problems identified in the inspection report, this action contravened recommendations contained in that report. In addition to the delay in the report reaching members the report did not state that the terms of Children Homes Regulations were not being met nor did it state that the Home did not meet registration standards. The five- point summary of requirements was put to members. Nonetheless the report is specific in recording that no recommendations were actually made to the Committee. i.e. the committee was asked to note the report. This raises a question of how both officers and members perceived the status of Inspection Unit requirements and recommendations.</i></p> <p>"Senior managers from both Divisions decided to close the service in order to facilitate the implementation of the committee report proposals. The staffing features were a factor in the decision also. Staff were given redundancy notices and 'figures' on 25.10.98"</p>
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		<p>(i) <i>It appears to the reviewers that the committee was unlikely to have foreseen that their decisions would result in the closure of Chestnut Road, since the EDSS spoke optimistically of the benefits stemming from the integration of the unit with other children's services. The reviewers do not know at what stage elected members approved the decision of senior managers of the two divisions to close Chestnut Road, which may be the subject of a committee report which they have not seen.</i></p> <p>(ii) <i>It is not clear whether at this stage any attempts were made to communicate the decision to close Chestnut Road to parents/ carers.</i></p>
	Interview with [REDACTED]	<p>[REDACTED] told the reviewer that when CWDT moved to Children and Families Services a user focus group was set up this had two main areas of attention</p> <ul style="list-style-type: none"> • Assessments – to respond to the need for a multi disciplinary approach • Respite care <p>She also said that prior to the transfer parents requesting respite care would "just ring" Chestnut Road. She also said that the responsibility to publicise respite care services rested with [REDACTED] and not her.</p>
August 1998	Interview with [REDACTED]	<p>Asked by the reviewer about the operation of Chestnut Road [REDACTED] said that:</p> <ul style="list-style-type: none"> • Care in the unit was adequate but the staffing levels were not • She had been instructed to take children on many occasions when she had judged it dangerous to do so • Nothing had been done by her managers to improve things with regard to the staffing issues • It had been very difficult to operate a children's home whilst being managed within Adult Care. • She had asked for management training but this had not been agreed • She had pushed her managers (pre 1997) to have the unit inspected • She had not been made aware of the background histories of her staff group and that managers were not allowed to know about such things • Staff would receive repeated warnings from Human Resources about sickness saying that the warning was final but nothing would be done when the situation was repeated • Staff had been allowed by HR to bypass her in the management of the unit • She was in control whilst in the unit but that it was out of control when she was absent • Staff would cover up for each other <p><i>It is not clear to the reviewers for how long the unit manager</i></p>

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		had been grappling with the situation as described, but it appears that she may not have made known to the Inspection Unit <i>all</i> of her concerns, or if she did do so that they may not have been fully reported.
3/9/98	E-mail	██████ to ██████ stating his wish to effect a transfer of management at the end of the month and asking for a meeting with staff and copies of correspondence relating to "the complexities of the individual positions of staff". ██████ told the reviewer that he had been "made aware by sympathetic sources" that these would be issues. He also recalled that the staff group would have come from similar backgrounds i.e. Lambeth Children's Homes.
	Interview with ██████	██████ told the reviewer that before the present emphasis on equal opportunities many people were employed on the word of friends and that Lambeth had corrupt employment practices.
3/9/98	E-mail	██████ to ██████ – Requested the same information as above from the Personnel Department before the meeting with staff. Notes that "I was already struggling to obtain full information"
14/9/98	E-mail	██████ to ██████ asking for comments on a detailed set of options to be put to Chestnut Road staff at the planned meeting for the future direction of Chestnut Road and if he may proceed as outlined, and in particular to have initial exploratory discussions. He warned that there were implications for the Adult Services proposals but sought authorisation to be frank with staff with regard to the options. ██████ provided a handwritten note that he seldom got written authorisation but was told to proceed verbally.
2/10/98	E-mail	██████ to ██████ - E mail (3/9/98) 'lost before she had a chance to read it'
2/10/98	E-mail	██████ to ██████ from which he gathered that one of the deputies at Chestnut Road had never worked at the unit although she showed as paid against its code.
2/10/98	Extract from Briefing Report for Executive Director of Social Services 25/1/2000.	<p>The Briefing Report indicates that Chestnut Road was managed by the Adult Services Division until 2 October 1998 when the current manager ██████ took over and the service became the responsibility of the Children and Families Services Division. The report continues; "The home was staffed by unqualified residential staff from the Children homes that Lambeth closed following the SS/ inspection in 1994. The current manager was not involved in the process but discovered some time after she was asked to 'act up' that she had on her 'establishment' a worker who had been suspended for fraud awaiting a CAFT investigation. A number of other workers remained in the adult Division, thus, immediately reducing the staffing levels.</p> <p>It later transpired that another worker had significant convictions. Another was later suspended for allegedly interfering with a young boy ██████ and during the process of investigations was found to have a criminal record resulting in imprisonment over a significant</p>

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		<p>period (██████████). There was also some indication that he had been having "affairs" with parents and colleagues. There had also been a 'break in' and a worker alleged that the intruder had raped her.</p> <p><i>It became apparent to the manger that staff had not been police checked. The matter was subsequently addressed. Staff generally refused to be managed. They reported in sick daily. When the manager appeared without notice to check, she was told of staff sleeping on duty. She also sometimes found that staff had gone home leaving the children inadequately supervised. The manager became extremely concerned given the vulnerability of the children in Chestnut Road some with speech and other communication impairments. One particular issue that the manager could not be confident about given the attitude and behaviour of staff was that they would properly administer the medication the children needed. Fearing that the children could be given the wrong medication, too much or too little. The manager addressed the issues with individual staff members in supervision, with the entire staff group in unit meetings, with her line manager and with personnel. Staff were referred for sickness medicals and were given written warnings. Improvements were short lived. The manager of Chestnut Road reports that she asked the Assistant Director for assistance and was told to go and get counselling."</i></p>
October 1998	Interview with ██████████ Assistant Director (Adults)	██████████ "remembers thinking that when he got there that people (staff) were not being managed – I didn't get a sense of professionalism, staff did not appear to know how many residents were there etc"
2/10/98	Notes of a meeting 18/3/2000	██████████ assumed responsibility for Chestnut Road.
	Interview with ██████████	██████████ told the reviewer that the residue of staff who could not be found other posts following the closure of Lambeth's children's homes were at Chestnut Road; that there were said to be people visiting staff going into Chestnut Road; that staff sickness was running at an average of 30 days per member of staff" and that he suspected informal rota arrangements existed to facilitate this.
	Interview with ██████████	<p>On taking up her post ██████████ had assumed that all staff had been police checked. As the unit employed a number of agency staff she decided to approach the agencies to verify the credentials of those employees placed at Chestnut Roads. After her letters were received by these agencies with this enquiry ██████████ said, "suddenly people stopped coming".</p> <p><i>The reviewers are not able to determine whether or not the above is coincidental or should represent a matter of concern to the Authority. No doubt senior managers will wish to satisfy themselves that the arrangements for police checking of agency staff are effective.</i></p>
11/10/98	Notes of a meeting 18/3/2000	Member of staff allegedly raped at Chestnut Road by an intruder.

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15/10/98	E-mail	████ drafted letter to parents in relation to the alleged rape.
15/10/98	E-mail	████ to Others, setting up a help line for anxious parents following the alleged rape.
October 1998	████ briefing paper for SSI 5/1/2000/ E-mail from █████/ Interview with █████	Consultation Day meeting with families and children with disability at Clapham Park School, attended by the Mayor, following which a paper was drafted with proposals for the development of respite services. Options for the development of respite care services were discussed, including eligibility criteria, but not the option of closure.
25/10/98	Interview with █████	████ said that it was her view that "whatever the local authority was going to do (<i>with Chestnut Road</i>) they should have got on and done it." She said that much of the difficulty in the next 14 months resulted from █████ "trying to motivate a disenchanted staff group"
3/11/98	E-mail	████ to █████: Seeking advice on the status of a number of staff at Chestnut Road and suggesting redeployment in Adult Services. He noted that both █████ and █████ were suspended and asked for information and advice. In a separate hand written note to the reviewer, he recorded that in his view the proposed salary saving staff structure failed to meet Volume 4 Regulations and Guidance for the Children Act 1989. <i>The reviewers do not know what action, if any, █████ took in respect of his concerns about this last point.</i>
3/11/98	Consultation Paper on Future Plans for Chestnut (author █████)	Meeting with Chestnut Road staff: <u>Aims:</u> The purpose of the meeting is to share information with you about future directions for Children and Families, services to Children with Disabilities, and the implications for Chestnuts. <u>Objective:</u> by the end of the meeting you should have: <ul style="list-style-type: none">• More information on which to base your decisions about whether to accept PRS package currently on offer at the advantageous old rates.• Answers to some of the questions which you may have about the future running of Chestnuts" This paper also makes reference to "the standards and regulations which we will have to enforce in the following areas" that "are likely to generate even more change: <ul style="list-style-type: none">• Qualification and competence of staff on issues of control, restraint and physical contact with children.• References, police checks and previous convictions• Disciplinary issues. <i>It should be noted that in part these are also issues identified by the Inspection Report of March 1998. The option for closure is not specifically mentioned in the paper.</i>

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7/11/98	E-mail	██████████ (as Child Protection Manager) and ██████████ met to discuss the Respite Care Service.
15/11/98	E-mail	██████████ to Others re draft letter to Chestnut Road parents. <i>It is not clear to reviewers whether this letter related to the alleged rape, or to the proposed service options.</i>
3/12/98	E-mail	██████████ to ██████████ Following the inspection report (March 1998) no response had been received although some of the requirements and recommendations had been urgent. Contact was requested to inform the Inspector of what action taken. She requested information on the outcome of abuse allegation and on recent 'significant incident'.
4/12/98	E-mail	<p>██████████ to ██████████ in relation to the above e-mail. He said that he was unable to progress issues because of non-response to his e-mail of 3/11/98. He asked again that the issues in his e-mail be addressed. He stated that he had heard various references to a risk assessment on ██████████ and asked for it to be forwarded to him. He indicated that the delay would prevent HR staff sending out letters to staff.</p> <p>██████████ told the reviewer that seven weeks after the handover of responsibility he was being 'frozen out' of meetings concerning ██████████ and at the same time the inspector "expected me ██████████ to implement recommendations which were unworkable given the history, nature and attitudes of many of the staff"</p> <p>(i) <i>It appears to the reviewers that the issue of impending closure and staff redundancies/ disciplinary/ child protection issues had become confused with the issue of service shortfalls and the needed for specified policies, procedures and training identified by the inspection report. It is their view that so long as Chestnut Road remained open the managers (including senior managers) had a responsibility to endeavour to meet Inspection Unit requirements.</i></p> <p>(ii) <i>The reviewers are concerned, however, that managers may not have viewed Inspection Unit requirements and recommendations as pressing because the Head of Inspection had reported his recommendations to elected members for them to note, rather than to approve; and that there may have been some confusion about the legislative basis of his recommendations in relation to Chestnut Road as an authority-run respite care unit for children with disabilities.</i></p>
4/12/98	E-mail	██████████ to ██████████ " I am unable to act without the information that others hold, I would be grateful for any influence that you might be able to exercise"
7/12/98	E-mail	██████████ to ██████████ Had asked ██████████ to respond to 'earlier' e-mail with regard to ██████████ the CP investigation completed – no evidence to act. ██████████ and ██████████ were concerned about criminal convictions, legal advice had been sought and dismissal

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		<p>was not an option. Consideration being given to an outside agency assessing his potential risk to children. ■■■ stated "I do not know what stands in the way of ■■■ reinstatement." <i>The reviewers ask whether Lambeth has a clear policy in respect of the action they should take in relation to staff about whom a doubt emerges regarding the appropriateness of their employment, particularly where this could impact directly upon service users.</i></p>
	Interview with ■■■ Assistant Director (Adults)	<p>■■■ expressed the view that the Council was seen as an employment agency rather than a service provider, however, it is not clear to the reviewer to which period this comment referred.</p>
7/12/98	E-mail	<p>■■■ to ■■■ and ■■■ wrote that he was unable to change his originally expressed view that it would be imprudent and possibly dangerous for ■■■ to return to work with children and that he was concerned about the paramountcy of children's welfare. He asked once more to see or hold a copy of the risk assessment and to see ■■■ personnel file. He also informed recipients of the e-mail that the child's mother claimed to have heard nothing about the outcome of the CP investigation. ■■■ urged that his proposal for the deployment of ■■■ receive urgent consideration.</p> <p><i>The reviewers concur with the view expressed by ■■■</i></p>
7/12/98	E-mail	<p>■■■ to ■■■ and reply: Re Lambeth children's home staff member made redundant, now employed via agency, found to be working in Chestnut Road (contrary to Lambeth policy for staff who had accepted redundancy packages). Indicated that there was no system for checking whether agency staff fell into this category. ■■■ suggested that preferred providers should make their own checks.</p>
11/12/98	E-mail	<p>■■■ to ■■■ proposing to invite ■■■ to meet her "to carefully plan his return to work". She alleged that he had not been informed of the outcome of the CP investigation or existence of the management investigation. ■■■ alleged that after speaking with ■■■ she was not clear about the nature of the investigations that had taken place and raised doubts about their validity. On asking ■■■ she was alleged to have said "that they had simply done a review of his personnel file and had spoken to his manager." ■■■ said she was seeking clarity from Adult Services "before I assume the responsibility for completing the work around the allegation and suspension." ■■■ saw the above as "rationalisation" on the part of ■■■</p>
17/12/98	E-mail/ and interview with ■■■	<p>Staff situation at Chestnut Road was of concern to ■■■ and ■■■ This related to 'informal relationships' between staff members and parents and 'visitors' being admitted to the Unit to see members of staff. Whilst no specific written instruction was available to the reviewer relating to Chestnut Road, the e-mail from ■■■ to ■■■ regarding informal contacts between carers and workers and conflicts of interest was offered as evidence. ■■■ commented to the</p>

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		reviewer "this (the e-mail) went to Family Finder managers but illustrates the issues of concern to me in everything I managed."
	Interview with [REDACTED]	With regard to [REDACTED] the reviewer was told that [REDACTED] had instructed [REDACTED] to return him to work and that [REDACTED] believed that there was some sort of "link" to [REDACTED] on [REDACTED] part because she [REDACTED] "had been around when he was employed." This was because at that time [REDACTED] was a manager in residential care. With regard to employment issues and human resources management [REDACTED] went on to say "everyone seemed to know someone, if you wanted to move you asked for a favour – most got what they wanted"
	Interview with [REDACTED] Assistant Director (Adults)	[REDACTED] said it was possible that there might have been other staff at Chestnut Road with criminal convictions because "the overall system of police checks has been inadequate"
18/12/98	E-mail	[REDACTED] followed up above with e-mail (to managerial staff?) on "out of work" relationships and threatened formal action.
22/12/98	E-mail	[REDACTED] to [REDACTED] and others re a child who, it appeared, would have no-where to go at Christmas, and noted that "this illustrates the attitude to striking a balance children's needs and rights vs. parents demands for respite. [REDACTED] wished to know what planning was done by the social worker in relation to [REDACTED] memo of 4/12/98 and expressed concern that the child's continued presence in Chestnut Road "raises questions about numbers accommodated."
22/12/98	E-mail	[REDACTED] to [REDACTED] and [REDACTED] Seeking promised report from previous August on [REDACTED] from [REDACTED] and asking [REDACTED] what to do if "this e-mail is deleted unread like the others."
22/12/98	E-mail	[REDACTED] to [REDACTED] Denying that she had denied [REDACTED] access to [REDACTED] file and underlining that there was a need for clear communication re CP investigations into staff to enable management action to be taken.
1999	Interview with [REDACTED]	[REDACTED] confirmed that a register of children with disabilities was not set up until 1999 and that this occurred via the Quality Protects initiative. She also said that it was not until late 1999 that all children were the subject of reviews.
1998-1999	Extract from Briefing Report for Executive Director of Social Services 25/1/2000.	<i>"For 1 year, staff sat waiting to complete the redundancy process (although they did not really believe it would happen). During the first 6 months of that period despite high sickness levels, an attempt was made to provide the same level of service as before (9 children at any one time). It became apparent that it was not safe to do so primarily because of the levels of supervision needed by children and staff. The manager in consultation with the service manager decided, in July 1999, to reduce the service to 4 children at any one time. The Director in place on 11th May 1999 was told by the service manager of this plan to reduce the numbers. The service manager reported having been that told that it was not necessary to report this to committee."</i>

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		<i>The reviewers ask whether there is a clear agreement between elected members and senior managers about the nature of service decisions that should be referred to members for information and/ or approval.</i>
	Interview with [REDACTED]	[REDACTED] said that when the suspensions of staff had happened she had been told by [REDACTED] to carry on as usual. He was "neutral" when [REDACTED] decided to cut down the service. She had then asked [REDACTED] for help and had been told to "go and get counselling"
5/2/99	E-mail	[REDACTED] cancelled meeting with Unison (to discuss Chestnut Road?) as [REDACTED] feels that there is no clear programme on her part."
8/2/99	E-mail	<p>[REDACTED] cited e-mail exchange re meetings with Unison as "a common game in those days. He also told the reviewer that a Unison representative had been allowed to attend the meeting with parents to discuss closure and had disrupted that meeting with his concerns for the staff.</p> <p><i>The reviewers have not enquired into the nature of management/ union relationships during the period under review and have not formed an impression of how far these may have influenced the progress/ lack of progress in dealing with the future of Chestnut Road and that of the staff employed there. The reviewer's are clear however that the presence of the Unison representative at the meeting with parents was inappropriate.</i></p>
16/2/99	E-mail	<p>From [REDACTED] to [REDACTED] had received a "phone call from a [REDACTED] who wanted to know the outcome of a child protection investigation she was alerted to by the Director's letter last year." [REDACTED] was concerned about using Chestnut Road without knowing what had happened. The social worker suggested that all the parents be written to by [REDACTED] with the outcome, but [REDACTED] replied "I suggest that the outcome is described by whoever did the investigation. "</p> <p><i>It is not known whether as a result the parents were contacted.</i></p> <p>[REDACTED] also noted that it would be worth (the reviewer?) contacting this parent who had recently told him that her daughter returned from respite care with bruises on her breasts but was told that another child did it.</p> <p><i>It is not clear if this was followed up by [REDACTED] at the time in terms of a referral under the ACPC procedures.</i></p>
10/3/99	E-mail	[REDACTED] to [REDACTED] Informing [REDACTED] that "figures" "will be sent out tomorrow", asking if there were any proposals, and writing that that consultation to date "has been limited to telling them things will change but we don't know how. [REDACTED] expressed concern that failure to consult adequately had resulted in a claim by a staff member on the basis of unfair selection for redundancy. [REDACTED] noted to the reviewer: "Yes I had already met with them."

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19/3/99	E-mail	<p>██████ to ██████ Advising caution in respect of the release of staff from Chestnut Road until they were clear about proposed plans, but wishing to allow a waking night staff member to leave her post. ██████ noted to the reviewer: "waking night staff who did not hear anything during the rape then remained sick for 6+ months with post traumatic stress"</p>
25/3/99 and 1/4/99	Inspection Report for April 1998- 1999 Report undated	<p>This very critical inspection report relates to announced inspection on 25/3/99 and 1/4/99 and an announced visit on 10/6/98 and including issues associated with child protection, began by explicitly stating that Chestnut Road did not meet registration standards in significant areas. The matters principally giving rise to concern were essentially those of the previous inspection a year before, deteriorating staff morale, high use of agency staff, periodic and drastic cuts in service provision and lack of Regulation 22 visits. The inspector noted: "There has been a considerable gap between the review and writing of this report. However, the findings had been discussed with the home manager at the time who, it was understood, related them to her senior manager. A summary was also sent to the senior management of the home in May 99 asking for a response." The inspector went on to say in her report that "It must be stressed that the above is not a comment on the commitment or the ability of the (home) manager or the remaining staff. Generally the issues of concern are out of their control." The report in its final form was sent to the Home manager, the Service Manager the then Assistant Director and Executive Director of Social Services.</p> <p><i>It is not evident to the reviewers why there were significant delays in the Inspector finalising sending a summary of her findings to senior managers of the home and also in preparation of the report proper. On the basis that this may have been linked with Inspection Unit resource issues, it is suggested that senior managers/ elected members may need to give consideration to the matter if they have not already done so. It is also suggested that where such delays are anticipated, and there are issues of serious concern, a summary should be immediately prepared and sent to the recipients who would normally be in receipt of the final report.</i></p>
1999	Interview with ██████	<p>██████ told the reviewer there were no meetings with parents between October 1998 and April 1999 and that she had to push to get the April meeting. She said that they were by this time, having to reduce numbers in order to provide a safe environment. ██████ did not see it was her job to write to parents to let them know what was happening. She said that she had said to ██████ on a number of occasions that they must have a meeting.</p> <p>In order to ensure that the meeting occurred ██████ said that she "wrote to all parents inviting them to the meeting at Chestnut Road which she also arranged. Although only about 12 parents attended ██████ promised to that they "would have a letter setting out the proposals straight away", but the letter was not sent and Chestnut Road received constant phone calls from parents wanting information. ██████ said she "told ██████ about this many times" With regard to the</p>

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		<p>difficulties which ensued and the review she said "this was all so unnecessary, had things been dealt with properly it would not have come to this". She said that she was angry with [REDACTED] and felt critical of him.</p> <p><i>Taken together with this entry and the entry above it appears to the reviewers that a picture of organisational paralysis during this period was beginning to emerge. Reviewers were informed that the letter sent to parents identified that the meeting would discuss change but did not mention possible closure</i></p>
April 1999? (see also entry at April 1998)	Extract from Briefing Report for Executive Director of Social Services 25/1/2000.	<p>"Letters were sent to parents inviting them to a meeting, in April 1998 (9?), to tell them about the closure and future plans. 70 letters were sent. 12 parents attended. Parents were promised further details but they were never provided. Parents who did not attend were not pursued.</p> <p><i>It would have been appropriate to put alternative packages in place for all the children affected or to at least use the opportunity to reassess need, and they understand that this was the responsibility of social work team for Children with Disabilities. This work appears not to have been undertaken. Only parents who knew and complained received attention. The Children with Disabilities team maintain that they were not involved in the decision making processes and were never formally notified of the closure however there is information that they knew of the decision. It is confirmed that there was no concerted activity to identify the families affected and arrange alternatives, irrespective of how the team became aware of the closure. Children's needs were not the priority in the dispute that ensued about the poor communication that there had been.</i></p> <p><i>The significant issue is that parents had a program of 'bookings' for their children over the year every year, generally during school holidays, some weekends and evenings. The issue of what alternative would be in place for periods already agreed was never addressed, hence the current difficulty with some parents only becoming aware of the change latterly and correctly, are complaining.</i></p>
4/99 until 10/99	Interview with [REDACTED] Assistant Director (Adults)	<p>[REDACTED] Acting Executive Director of Social Services</p> <p>In relation to consultation [REDACTED] said "it may be a cultural thing, the Council has not traditionally focused on the [REDACTED]"</p>
13/4/99	[REDACTED] (draft?) briefing paper for SSI 5/1/2000/ Interview with [REDACTED]	<p>Meeting with parents whose children used Chestnut Road. [REDACTED] informed the reviewer that parents were provided with draft proposals for the future of respite services including closure of Chestnut Road as a residential provision. However, his briefing paper for the SSI comments that: "It is acknowledged by the Service Manager, Children's Resources [REDACTED] that most parents present at this meeting were primarily concerned about issues related to staff and</p>

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		<p>their individual "rights" to the respite care they felt they required.....The views of parents who already used Chestnut Road have had to be balanced against the views of some other parents who said they had never heard of it, never been offered residential respite care and of parents of children under 5 with a disability who stated that with the exception of a specialist play group there was very little other provision for this age group,"</p>
April 1999	<p>Paper on consultation process (undated)</p> <p>Appendix 1: Chestnut Road Respite Care Unit for Children with Disabilities to the Focus Group on Children with Disability, subgroup Respite Care Best Value Fundamental Service Review Process Paper</p>	<p>This paper refers to a meeting in April of the Disability Focus Group, Respite Care Sub-Group which considered a paper entitled <u>Chestnut Road Respite Care Unit for Children with Disabilities to the Focus Group on Children with Disability, subgroup Respite Care Best Value Fundamental Service Review Process</u> cited as Appendix 1 which sets out the issues and proposals. "It is understood that all 41 families using respite care at Chestnut Road were invited to this meeting. Approximately 12 or 13 parents attended....no written consultation took place"</p> <p>Appendix 1 refers to, among other issues, selective nature of the service, the economic unviability of the service, 'critical incidents including the staff suspensions and allegations', and proposals to provide a range of services in partnership with the voluntary sector. The paper proposes that services currently provided should be closed down as soon as possible and staff to be given the opportunity to obtain PRS packages, that provisional arrangements could be provided using the current acting manager and qualified agency staff, and the development of a new, flexible service. The paper goes on to identify key service principles. The paper concludes as follows:</p> <p>In addition to the information from the Consultation Day, parent representatives at the Children with Disability Focus Group, its respite care sub group, and at a meeting at Chestnut Road on 13th April were supportive of these proposals. It has to be acknowledged, however, that a significant number of those at the meeting at Chestnut Road objected to the proposals about publicising the service for fear of losing the amount of respite care they currently receive due to a greater demand. They found it difficult to accept that there are many parents who may prefer foster care or indeed home based respite and not necessarily residential. The transition from obtaining a service on demand to applying clearer eligibility criteria and widening the scope of what respite care service delivers will be a rocky path."</p> <p><i>The reviewers understand that this meeting followed on from the meeting referred to by [REDACTED] in his (draft?) briefing note above. It would appear that the Department was using the proper forum for consultation and, arguably, could not be held responsible for decisions made by service users to attend/ not to attend. A key issue, however, appears to be that no written consultation took place. While this would appear to be a commonsense matter, the reviewers ask what the departmental policy was regarding public consultation of this kind, and whose responsibility it was to provide administrative support for such meetings and to</i></p>

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		<i>disseminate agendas and minutes of meetings.</i>
	Interview with [REDACTED]	[REDACTED] confirmed absence of criteria for access to service but criticised the lack of choice available to social workers because of the emphasis of using the unit at Chestnut Road. In relation to reviews she confirmed that regular reviews of children had not taken place because of staffing difficulties in her team.
14/4/99	E-mail	[REDACTED] in a memo of 14/5/99 mentioned that the Mayor had been involved in a meeting with parents held on that day. <i>The reviewers conclude from this entry that elected members were aware of at least some issues relating to Chestnut Road.</i>
May 1999	Joint Review Position Statement	Assistant Director for Children and Families suspended from duty. [REDACTED] appointed as 'acting' Assistant Director.
7/5/99	E-mail	[REDACTED] to [REDACTED] Re CAFT report received on [REDACTED] seeking authorisation to suspend and seeking to clarify who was to inform her. He noted "...following the referral to CAFT, and her interview on 21.4.98, it took over 11 months for the report to arrive." <i>The reviewers note an apparent pattern of delays in human resources processes and decision-making.</i>
7/5/99	E-mail	[REDACTED] to [REDACTED] Seeking clarification of whether a further investigation was required. [REDACTED] commented to the reviewers that "this illustrates how often Lambeth reworked disciplinary matters".
7/5/99	E-mail	[REDACTED] to [REDACTED]: Advising that he proceeded directly to disciplinary unless otherwise advised.
10/5/99	E-mail	Final proposals for Chestnut Road produced by [REDACTED] and he noted that they are the public ones which the reviewer has.
11/5/99	E-mail	[REDACTED] to [REDACTED]: Seeking supervision to discuss how to take the proposals further with particular reference to the choice of a partner organisation and mentions children's rights issues.
11/5/99	E-mail 28.01.00	In a briefing to EDSS and [REDACTED] noted that he had written on 11.5.99 to the acting EDSS and [REDACTED] that the change proposals should be reported to [REDACTED] and then to Policy Committee in line with the new decision making structure and criteria for reporting matters to them. He continued: "On 14 May [REDACTED], then in [REDACTED] (now CHILE database co-ordinator) replied suggesting that as staff would have access to the paper during consultation that I [REDACTED] should drop the reference to staff sickness and suspensions."
	Interview with [REDACTED]	[REDACTED] told the reviewer "the nature of the staff group was never explained to the Committee". <i>The reviewers have not seen this e-mail and presume that this briefing in fact refers to the e-mail cited in the entry at</i>

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		<p>14/5/99, and conclude that a decision was made to refer the change proposals to [REDACTED] and Committee.</p> <p>While the reviewers consider that the decision to refer the proposed changes to Committee was correct, it is not clear to them why it was that crucial information underpinning aspects of the proposals for change should be obscured, provided that the anonymity of individual members of staff and service users was preserved. Consideration may need to be given to the provision of guidelines to Human Resources and senior and middle operational managers regarding these issues, if this has not already been undertaken.</p>
14/5/99	E-mail	<p>[REDACTED] to [REDACTED] (Acting EDSS) and [REDACTED] referring to a cut of a sixth of the previous full year budget allocation; the suspension of two staff for over 14 months; 30 days+ sickness levels on average and "some highly sensitive issues in relation to Children's Safeguards Review requirements". He went on to write "In the light of [REDACTED]' presentation to [REDACTED] about impact of new decision making structure does this need a report to [REDACTED]? [REDACTED] involved and consultation with current parent users indicate: potential resistance to the idea of better access because they will get less!"</p> <p>No mention was made however about the need to consult parents and carers as required by the Children Act 1989 at sect. 22(4) for children looked after or at Volume 6 Guidance and Regulations with regard to children in need.</p>
14/5/99	E-mail	<p>[REDACTED] sent [REDACTED] copies of final proposals for Chestnut Road in anticipation of her new role as Assistant Director.</p>
14/5/99	E-mail	<p>[REDACTED] to [REDACTED] "the proposal will form the basis of staff consultation, it would be wise to remove references to staff sickness and suspensions"</p> <p>The reviewers noted that this was the second occasion that [REDACTED] was advised of this.</p>
24/5/99	E mail copy	<p>[REDACTED] sent brief summary of inspection report findings to [REDACTED] requesting a meeting because during visits to Chestnut Road and noted that "there was no evidence, even then that appropriate action to address the concerns had been taken." Further [REDACTED] understood that "the manager was so concerned that she had suggested offering a day care service only instead of the residential service."</p>
24/5/99	E mail	<p>[REDACTED] to [REDACTED] Inspection requirements and recommendation: from previous year's inspection were not met at Chestnut Road, inspector complained that she had not been advised why, or what alternatives have been considered and the issues were and remained serious; allegation of abuse by staff member still not resolved (suspended for a year) and no recommendation given to the home in the light of the experience of issues investigated; police checks may not have been done for all staff. [REDACTED] had tried to contact [REDACTED]</p>

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		and acknowledges that [REDACTED] has returned some calls but she had not been available. Requested contact.
June'99	Extract from Briefing Report for Executive Director of Social Services 25/1/2000.	<i>I was made aware of the outstanding staffing issues. The necessity to resolve them quickly was discussed with the relevant personnel manager in July but only expedited by the new personnel manager in October. It was my understanding that the service issues were attended to but clearly the complaints of which I am aware of 3, has revealed the lack of attention to these issues. It is acknowledged that the complaints need to be responded to in a more timely manner. The Complaints officer, who would not normally assist in the early stages of a complaint, has now been asked to help.</i>
From June 1999	Interview with [REDACTED] Acting Assistant Director Children and Families	In her interview with the reviewer [REDACTED] commented in relation to [REDACTED] and her supervision of him " [REDACTED] wanted to close it (Chestnut Road) down but had taken no action against bad standards [REDACTED] seemed to have a lack of knowledge (about what was happening) and about Guidance, Legislation and process. I wanted to know why it was being closed and wanted a document from him (an option appraisal) on the matter but this was not forthcoming. I chased him for this at our next supervision session". [REDACTED] then said that the next she knew was that it was closed, and that this had come about when parent(i) had written to her.
14/6/99	[REDACTED] supervision notes with [REDACTED]	[REDACTED] also produced notes appearing to indicate that Chestnut Road and his proposals were discussed with [REDACTED] but it is not clear to the reviewers what decision were taken.
1998-9	Extract from Briefing Report for Executive Director of Social Services 25/1/2000.	<i>Letters were sent to parents affected by the reduction. It is reported that the Children with Disabilities team were sent a list of the children affected with the expectation that they contact the families offering assistance. They have confirmed that in this type of situation they would normally contact the families and assist with alternative arrangements. More time will be needed to confirm exactly that the families affected were contacted.</i>
July 1999		<i>They have also confirmed that there was a post whose role it was in part, to liaise with Chestnut Road and to ensure that issues between the two sections of the division were addressed. A decision was made by the relevant managers to use the post to 'do other things'."</i>
August 1999	Interview with [REDACTED] Head of Human Resources	Retrospective police check exercise began. All staff written to and all returned forms dispatched to police but their return was subject to considerable delay. Human resources staff were "slow off the mark in chasing up those who had not completed their forms" <i>The reviewers are unclear about the current status of this initiative but would remind the authority of the importance of completing this exercise as soon as possible.</i>
3/8/99	[REDACTED] letter to CPSS	First supervision session with [REDACTED] was told that "the service at Chestnut Road was ending and a new service

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		<p>opening" during a brief reference to the unit at the end of the session.</p> <p><i>Notes provided by [REDACTED] indicated that he had discussed proposals for Chestnut Road on 14/6/99.</i></p>
10/8/00 (1999)?	[REDACTED] letter to CPSS	<p>More detailed discussion between [REDACTED] and [REDACTED] said service had been reducing for previous six months and that there were "only residual staffing issues to resolve." He also said that staff had been given redundancy letters and were waiting to go after having letters withdrawn. [REDACTED] was told that this was unacceptable and that it needed to be resolved with Personnel. [REDACTED] understood that no service was currently being provided from Chestnut Road. She says that she asked for details of the plan (option appraisal and possibilities and implementation) but these did not materialise. She again received a copy of the new service objectives. [REDACTED] also said that she "had no awareness of the booking regime, meaning that no children being in Chestnut Road at the time did not mean that non were booked! Some of the questions I later asked were linked to my later awareness about the past mess". She went on to underline the importance of detailed questioning.</p>
08/09-99	Interview with reviewer	<p>[REDACTED] informed reviewer that at a supervision session with [REDACTED] he was told to speed up the process of closure of Chestnut Road through a gradual reduction of the staffing establishment, together with a commensurate reduction in the service available to clients. Exact date unclear.</p> <p><i>The reviewers note that there may have been failures in communication between [REDACTED] and [REDACTED] at this juncture, and ask whether supervision sessions at this level are structured and whether decisions reached within the process are properly recorded.</i></p>
9/9/99	E-mail	<p>[REDACTED] to [REDACTED] (Acting Director): "I am fast gaining the impression that there are now enquiries into who I told what and who else did they/ should they have told. About five months after I arrived here when my accumulating concerns about the impact of networks etc on practice standards were becoming alarming I was warned to make copies and keep notes in safe places. I am now eternally thankful to those who warned me"</p> <p><i>This communication gives rise to concern. Although [REDACTED] and [REDACTED] appear to have been scheduled to meet that afternoon the reviewers have not seen a record of a meeting.</i></p>
30/9/1999	The Barratt Report	<p>As a result of criticisms made over inaction and poor management of a child protection matter the then Assistant Director for Children and Families was disciplined and dismissed by the Council. Barratt was also critical of "organisational incompetence" both in relation to child care policies and practice and the "considerable question about the effectiveness of the Council's Committee system for supervising its Social Services responsibilities." Secondly Barratt identified "a reluctance to change" and an 'introvert'</p>

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		culture strongly supportive of ineffective practice and of the status quo.
October 1999	Joint Review Position Statement	■■■■ new Executive Director of Social Services began working for the Council.
12/10/99	E-mail	■■■■ to ■■■■ advising of a planned staff meeting at Chestnut Road on 18/10/99 and to set out the grounds for changes proposed, and receive re-endorsement of previous signatures from staff who previously had accepted 'the Lambeth offer'. He informed ■■■■ that he had offered a date for ■■■■ disciplinary. ■■■■ also sought clarification of roles and responsibilities in relation to ■■■■ given his continued employment despite being suspended and warned of the dangers of Lambeth being "exposed in the area of employment practice concerning the fitness of this individual to work with vulnerable groups." <i>The reviewers note that personnel issues at Chestnut Road had still not been resolved.</i>
12/10/99	E-mail	■■■■ to ■■■■ Informing ■■■■ that ■■■■ would draft a letter to all staff re meeting.
	Interview with ■■■■	■■■■ told the reviewer letters were sent by the Unison steward (admin officer at Chestnut Road) to parents seeking bookings for the Christmas period when he was fully aware that the unit was being considered for closure. <i>If correct this would seem to be a potentially serious issue in terms of bringing the Authority into disrepute. It is not clear to the reviewers why this was not followed up by the appropriate managers.</i>
18/10/99	E-mail	■■■■ to ■■■■ e-mail of 12/10/99 re meeting with Chestnut Road staff regarding future of the service and their redundancy position.
19/10/1999	E-mail	■■■■ sent Review (Inspection) report to ■■■■ and requested a meeting with ■■■■ noting also that she had asked for the same on 24/5/1999 when she had sent a summary of findings. Implied here is that no meeting took place during the intervening months. <i>The continuing lack of managerial response to the Inspector's concerns raise further questions about the status of the Inspection Unit and effectiveness of the inspection process in Lambeth.</i>
22/10/99	E-mail	■■■■ to ■■■■ (new HR staff member): Staffing issues written to ■■■■ on 10/12/98 still unresolved.

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22/10/99	E-mail	<p>██████████ "delighted" with progress re staff, concerned that staff names should be checked by the CHILE team (Children's Homes in Lambeth Enquiry) "in case there is anything to put in references about previous allegations. The paucity of information on HR will leave Lambeth vulnerable if we pass on problematic staff."</p> <p>██████████ gave four issues for decision by ██████████</p> <ul style="list-style-type: none"> • Pass staff list to CHILE Team • Present (report?) to ██████████ • Send (report?) to Policy Cabinet and Members • Send (report?) to Voluntary Organisations named in the report. <p>██████████ also stated that "he is taking it as read that we send it to parents and all others we normally consult." In relation to this last point ██████████ made a handwritten note to the reviewer that "By December I thought that this had been done and have made a public apology for not checking who had the document sent"</p> <p><i>The reviewers ask if this last point indicates a lack of clarity about whose responsibility it was to ensure the administration of consultation lists, agendas etc.</i></p>
25/10/99	Letter from Head of Human Resources to staff at Chestnut Road	<p>The Head of Human Resources writes to staff at Chestnut Road " following the staff meeting held at the Centre last Monday, 18th October attended by ██████████ from Human Resources". He goes on to say: " It was stated at the meeting that management now wish to move to a different type of service provision at the Centre and the proposal was to delete all existing staff posts. A detailed paper from ██████████ which gives the business case for the management proposals is attached"</p> <p><i>The reviewers are not clear if this was the paper criticised by the Assistant Director in her letter to CPSS or another.</i></p>
28/10/99	E-mail	<p>██████████ to ██████████ "Info ██████████ has been cleared by Chile"</p> <p><i>It is not clear to the reviewers what the implication of this was.</i></p>
28/10/99	E-mail	<p>██████████ to ██████████ He had not been able to complete a workload action plan, gave details of workload, and seeking authority to appoint an assistant.</p>
4/11/1999	E-mail	<p>██████████ to ██████████ The report on Chestnut Road which raised serious concerns would need a response from Children and Families (in order to go to Committee)</p>
5/11/1999	E-mail	<p>██████████ to ██████████ "please send me a response to the matters in the inspection report".</p>
5/11/99	E-mail	<p>██████████ to ██████████ "matters raised need addressing urgently, look forward to meeting next week." ██████████ goes on "I am optimistic that losing staff redeployed to Chestnuts from the old children's homes with their attendant history, convictions and suitability to work with vulnerable people represent a</p>

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		<p>major leap fwd in complying with standards generally as well as the specific findings in your report.....when we meet I'd like to hear your thoughts about a fresh start for Chestnuts from the inspectorial perspective.'</p> <p><i>The reviewers note that while this provides an insight into [REDACTED] thinking about the appropriate way of meeting Inspection Unit concerns, it does not explain why action appears not to have been taken to meet those requirements and recommendations that could at least in part be met, during the preceding eighteen months.</i></p>
8/11/99	E-mail	<p>In relation to the Annual Inspection report the Borough Solicitor [REDACTED] advised: "as Policy Guidance makes clear, a primary purpose of inspection units is to ensure that local authority homes, although exempt from registration requirements, are subjected to the same rigour of scrutiny as independent homes"</p> <p><i>This advice is of central significance.</i></p>
10/11/99	E-mail	<p>[REDACTED] to [REDACTED] "as it will be difficult to recruit and induct staff and as we are so close to Christmas I feel that we should only provide emergency cover plus some possible evening care until the beginning of January"</p> <p><i>The reviewers assume that this arose as a result of staff leaving through the redundancy arrangements but are not clear if this had been anticipated.</i></p>
10/11/99	E-mail	<p>[REDACTED] replied "agreed".</p> <p><i>The reviewers note that but neither he nor [REDACTED] appeared to have considered that the parents had not been consulted and that this new strategy was not in evidence in the proposals document. In such circumstances it was extremely likely that parents would be upset (even if the judgement was that the use by some of Chestnut Road was excessive.) The [REDACTED] claims that they were similarly not informed and the reviewers found no record of either the [REDACTED] having been either consulted or informed.</i></p>
12/11/99	E-mail	<p>Letter to [REDACTED] from [REDACTED] where she confirmed a previous conversation with [REDACTED] in relation to the inspection report and noted that as a result (of the [REDACTED] e-mail and response of 10.11.99?); the service at Chestnut Road had been suspended the week before; all staff except [REDACTED] had left; the intention was to reopen in two weeks; all new staff to be thoroughly checked and [REDACTED] would personally ensure the same. The Inspector also raised the issue about checks on staff and 'visitors' to the unit but was not reassured by the unit manager's apparent lack of certainty. [REDACTED] said that he had been concerned about the recruitment and vetting procedure, had attempted to take action but had been 'frustrated by the Department', nonetheless he had been able to establish that (in the past?) at least one person with serious criminal convictions had been appointed to the unit and that others had been redeployed from another home where there were concerns about the appropriateness of their relationships with children. It was agreed that [REDACTED]</p>

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		would provide a written response to the Inspection report dealing with the above issues and send [redacted] a copy of the plan for the future running of the home. [redacted] also asked who would be notifying the [redacted] Consultancy list with regard to the staff but [redacted] appeared not to know (he said he thought it was personnel) [redacted] decided to raise the matter with her manager. [redacted] asked if parents had been informed of the concerns regarding the staff and [redacted] said that a statement was being considered. [redacted] advised that information should be given without delay, particularly because some staff had 'informal' relationships with families.
15/11/99	E-mail	[redacted] to [redacted] (administrative support to [redacted]) about being excluded from meetings concerning [redacted]. He alleged that he was then presented by [redacted] with the agreement that he should return [redacted] to work to "be assessed in the workplace". "I decided to formalise my concerns as the only way to get passed [redacted] authority over me as my line manager. In effect I had already given her an explicit message that even if formally instructed to take [redacted] back I would refuse and be prepared to take the consequences"
15/11/99	E-mail	[redacted] to [redacted] Seeking agreement to postpone disciplinary hearing re [redacted] in order to incorporate into the management summary information "finally received" from CAFT that day. E-mail noted that [redacted] had already been suspended for 18 months. <i>The reviewers note yet further delays in the disciplinary process, which again appears to have in part been related to the work of CAFT.</i>
17/11/99	File note in relation to above	In relation to the material of 12/11/99, [redacted] noted: "gave a copy of this and discussed with [redacted] who said that she would take up the issues with [redacted] and [redacted]"
17/11/99	E-mail	[redacted] to [redacted] requesting a briefing about the issues raised by [redacted].
17/11/99	E-mail	[redacted] to [redacted] "Thank you for attending to this matter. I highlighted the issue of staff histories on the basis of some of their reputations as I gathered information about the unit. Like so many other similar issues coherent records that related to some of those staff and the children have long since disappeared or their location is unknown. The issue of sifting out what may have been on HR records now is in my view best left to HR. However I am not optimistic that much will be found there since [redacted] (the Acting manager) was not allowed access to their HR files when they initially redeployed from C&F to Adults. Indeed after the unit came into C&F on 2nd Oct 98 when I asked to see some records in November 98 HR a senior HR officer stated that she would need to check out what I could see and what was confidential re [redacted] and [redacted]. She and I remained unaware that the latter had already had a final warning until we finally received the CAFT report that detailed her disciplinary history. I even initially struggled to see the risk assessment done on [redacted] I have copied [redacted] into this in case she has anything to add.

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23/11/99	E-mail	<p>■ to ■ It had been decided that ■ would lead in respect of the ■ matter (redundancy, not a disciplinary).</p>
23/11/99	E-mail	<p>■ to ■ Reiterated his previous view that ■ should not simply be made redundant; that at a meeting (date not given) to discuss the CHILE report on ■ he saw the report for the first time, and that he had not seen a copy of the minutes of that meeting. He said he had also objected to being tasked to deal with a matter that had started with ■ suspension when employed by the Adult Division. He asked to be informed of why CHILE had decided to agree the redundancy route, and requested copies of CHILE, legal and ■ advice before becoming involved.</p>
23/11/99	E-mail	<p>■ to ■: Although the recommendation of the CHILE report had been for an urgent strategy meeting to consider disciplinary action, this would have been problematic because the evidence was weak; there were delays in dealing with the matter; and ■ had, with other staff at Chestnut Road, been sent a letter advising him of his redundancy position since all the posts at Chestnut Road had been deleted. ■ proposed "we should now deal with this as a redundancy, and not bother with the proposed meeting to consider disciplinary action."</p> <p><i>In the view of the reviewers it is a matter of concern that this serious issue appears to have been dealt with at this point from a perspective of expediency, thus not taking account important issues associated with the welfare of service users in general and the paramountcy of the welfare of the child in particular.</i></p>
23/11/99	E-mail	<p>■ to ■: It had been decided that HR would deal with the ■ matter directly, liaising closely with ■</p>
Undated	<p>Extract from Briefing Report for Executive Director of Social Services 25/1/2000</p> <p>Report of Risk Assessment</p>	<p><i>In her report to the Executive Director of Social Services ■ stated "The CHILE team were alerted to the issues relating to the alleged sexual abuse of a child by the employee with a criminal record. Their report resulted in his departure from the department's employment".</i></p> <p><i>This account is not entirely consistent with the account provided by ■ in his e-mail to ■ of 23.11.99. The CHILE report revealed employment and re-employment of a person convicted of very serious and violent offences and recommended a strategy meeting to consider disciplinary action.</i></p> <p><i>The reviewers are particularly concerned that the Authority over-rode the CHILE recommendation and facilitated the departure of ■ on the grounds of 'redundancy'. It is not known if the concerns of ■ in relation to references were acted upon or whether the ■ and ■ consultancy lists were informed. If action has not already been undertaken in this relation to this matter, the reviewers advise that this should now be remedied.</i></p>

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	Interview with Acting Assistant Director Children and Families	<p>referred in her interview to the similarity of the way in which the issue was dealt with by her predecessor and the criticisms of the Barratt report. She said that the focus was on the adult and not the children. In her view the Division would always "bend over backward to get the adult supported."</p> <p><i>This comment would imply that the Acting Assistant Director did not approve of the action taken by the Authority in this respect, but it is not clear to the reviewers what action she took to convey her concerns.</i></p>
25/11/99	E-mail	<p>to Issues arising from a projected overspend of £400k at Chestnut Road. noted to the reviewer "the reality is the budget could not sustain commitments from it". requested assistance from</p>
3/12/99	E-mail	<p>to Education Department response to over proposed closure/change of purpose for Chestnut Roads. They had designated it as a "place of safety" to take children to when their parents fail to meet them from school. (alleges without agreement or consultation) concerned for the following week and Xmas shopping and office parties the children's welfare and budget implications.</p> <p><i>This raises a question about the nature of inter-agency liaison under the ACPC procedures.</i></p>
8/12/99	E Mail	<p>to Re "confusion about my role" which she said did not have a remit for either contracting or commissioning services, and noting that currently no-one in the division had a commissioning role, which was being addressed. has been contacted to do best value reports. noted to the reviewer that was to establish the commissioning of services for short and medium term respite also indicated in his e-mailed response to that he had been unclear about her role.</p>
	Interview with Acting Assistant Director Children and Families	<p>told the reviewer that she had been dealing with the CWDT in that:</p> <ul style="list-style-type: none"> • There were no eligibility criteria for services • There was a 'looked after' children issue (from length of respite episodes) and the need for the required documentation to be completed • Assessment and the issue of parents who shouted the loudest getting the most service • There appeared to be a belief that everything a family wanted they should receive • There was a suspicion that the team had been engaged in subversion – encouraging parents to complain about service cut backs (this was also alleged by).
23/12/99	E-mail	<p>to accepted by at rate offered to all Chestnut Road staff, accepting "minimal reference Chile put forward. We have a signed compromise agreement. I have told Chile".</p>

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		<p>It is not evident from this who, if anyone, would take responsibility for informing the [redacted] Consultancy Service/ List 99 of concerns about [redacted] or whether the reference provided would be likely to alert other prospective employees of these concerns.</p>
24/12/99	E-mail (handwritten note)	<p>[redacted] to [redacted] (social worker) parent(i) had complained to [redacted] (her neighbour) [redacted] (local MP) and [redacted] (junior minister at DOH) that she knew nothing of the plans to restrict access to Chestnut Road. [redacted] argued that if the child's time at school was aggregated with two weeks respite care plus the Department's assessed fifty days respite the child only spent about fourteen days a year at home.</p> <p><i>The reviewers consider that whilst this might the case and certainly merits consideration in relation to care arrangements for this child, it is not clear to the reviewers whether the issue had been dealt with through the child's review arrangements, or whether it had come to notice in the context of a crisis on Christmas Eve?</i></p> <p>In an e-mail to [redacted] argued:</p> <ul style="list-style-type: none"> (i) The above point (ii) That parent(i) knew the position at Chestnut Road because she had attended an earlier parents meeting and corresponded with [redacted] (20.08.99). However the reviewers note that the thrust of the Departmental response [redacted] 06.09.99) appears to be about more general issues of funding and care for child(i) rather than the matter of emergency respite to be provided over the Christmas period. Indeed this chronology appears to suggest that the decision to limit respite care to emergencies only was not taken until 10/11/99 and on that basis alone parent(i) would have been unlikely to know of the issue when she corresponded with [redacted]. The reviewers also note that in his report to the [redacted] indicated that the decision to limit placements taken between [redacted] and [redacted] had some time later been modified. The reviewer could find no record of the Director of Social Services or the Assistant Director being aware of such action. The reason given for this decision was the process of staff redundancies and fear for the safety of the children as a result of "patterns of staff behaviour which had accompanied the closure of children's homes in Lambeth" If however this was the concern the question must be asked as to why arrangements could not be made to provide management cover. (iii) That various offers had been made at different points in time for staff to work with the family at home, and for 'normal' domiciliary care, which parent(i) had refused because she did not want

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		<p>strangers in her house.</p> <p>(iv) That he would be interested to know "how we are supposed to offer such an intensive service to the parent who is in full time work without apparently considering the impact on the young person." <i>The reviewers consider that these are likely to be legitimate points in their own right. However, they do not appear to directly address the point in hand, which relates to the issue of consultation with parents about the service to be provided during the Christmas period.</i></p> <p><i>The reviewers suggest that [REDACTED] view that ministers needed to understand what he was trying to achieve in resource management terms while meeting the needs of the children was understandable, but perhaps betrayed a lack of understanding of the role of politicians vis a vis their constituents.</i></p> <p><i>Whilst a place was arranged for child(i) at Southwood Short Term Unit and [REDACTED] said that he would provide staff from 3/1/2000, the reviewers understand from [REDACTED] that he was accommodated at Chestnut Road over the Christmas period.</i></p>
29/12/99	E-mail	<p>Manager's office at Chestnut Road broken into through external window and filing cabinet drawers containing HR files levered open. Police informed. [REDACTED] notes to the reviewer "by now one of the regular leaks to the South London Press had occurred.</p>
5/1/2000	E mail	<p>[REDACTED] to [REDACTED] seeking authorisation to spend by a further £42k to cover the overspend on staffing and asking what he was to do if it was expected that Chestnut Road remain open and available for emergency placements. He stated that he was left in an invidious position as the CWD team continued "an exaggerated tendency to meet parents' demands without regard to supply and without real efforts to encourage parents to take up alternatives to residential care" which "are having the effect of setting up a series of complaints. At a time when we are introducing eligibility criteria which ensure an equitable service rather than continued service to the few who have always received it, this highlights the scale of the task ahead for C&F.....I would take this opportunity to note that the cost of a single night at Chestnut Road when last calculated was £240. I suggest that it is the height of irresponsibility for those making assessments of need to accept parental refusals of services such as domiciliary care or foster care where it is available and to encourage a continue reliance on Residential respite."</p> <p><i>These comments suggest to the reviewers a lack of departmental co-ordination and coherence of approach among those with responsibility for assessing need and providing respite services.</i></p>

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	Interview with ■ Head of Inspection	<p>In relation to the management of Chestnut Road the Head of Inspection said "clearly senior managers were not tackling the situation 'head on'" and that it appeared to be in a backwater being managed locally but without central support.</p> <p>He also said that the Inspection Unit had not been notified of the intended closure of Chestnut Road by Children and Families management team or the Executive Director of Social services nor had he been informed of the intention to commission CPSS to carry out this review.</p> <p>He recalled thinking at the time "how can all this be happening when people were expressing their concerns about the Barratt report. The same thing was happening in this case"</p>
5/1/2000	E-mail	■ to ■ asking for details of events over Xmas, a response to earlier e-mail about the Inspection report and a written account of the plans for Chestnut Road.
5/1/2000	E-mail	■ to ■: parent(i) contacted ■ seeking confirmation of child(i)'s respite care for the Spring Half term and Summer Holiday. ■ requests ■ to 'phone her.
5/1/2000	E-mail	■ to ■ and ■ Attached draft for SSI; said that in "an ideal world" he would have met with the parents individually in order to stem the predictable complaints; reiterated his concern about the continuing practice of "loose assessments" and reinforcing the need for these matters to be addressed in order to achieve "consistency with our strategic aims and objectives."
7/1/2000	E-mail	■ to ■ draft report not suitable for the SSI, although "very interesting for an internal audience."
7/1/2000	E-mail	<p>■ to ■ responding to questions of detail as follows (these are entered verbatim);</p> <p>"(1) Appendix 1 the consultation paper was presented to the Disability Focus Group Respite Care Sub-group in April 1999. It has also been submitted to the Union and was sent out with the letters to staff consulting them about the issues.</p> <p>No, it was not sent to parents, but the bullet points were referred to during the consultation meeting.</p> <p>(2) In October 1998, all parents using respite care were invited to the consultation days at Clapham Park School. All 41 families should have been sent a letter about the April meeting and this was done from Chestnut Road and ■ has confirmed that parent(i) was among those invited.</p> <p>(3) The membership of the Disability Focus Group includes 2 parent reps, Health, Education, ■ Adventure Playground for children with disability, Contact a Family and Family Link, plus social workers from the Children with Disability Team, the manager of Chestnut Road Respite Care, Mencap, Crossroads. Housing were early members.</p> <p>(4) Attendance at consultation day at Clapham Park School</p>

		<p>must have been around 70 parents, if not more, but I have not been able to get through to the Children with Disability Team to confirm these numbers.</p> <p>The meeting at Chestnut Road was attended by 12 or 13 parents.</p> <p>(5) No, we did not send out written consultation papers, other than write-ups of the consultation day in 98. When parent(i) dropped [REDACTED] off on Wednesday afternoon, [REDACTED] gave her the Appendix 1.</p> <p>(6) The alternatives were offered at the time of the temporary closure over the Christmas period. Some parents had been offered alternatives and accepted these earlier.</p> <p>(7) I would have to acknowledge that parent(i) was not sent a letter with the date of closure.</p> <p>Reasons for Closure</p> <p>Other than the list of bullet points on page one of the Appendix, something which was removed from the original report were references to the staff issues. I have copies of e-mails from [REDACTED] (Human Resources, now CHILE) advising the removal of references to staff sickness levels, etc. More recently, the issues about the convictions of staff and their previous practice, lack of police checks on several of them plus missing records became tied up with similar issues concerning foster carers. With the introduction of two key staff in Human Resources I agreed with [REDACTED] to use their expertise/new vigour to progress the transformation of the service.</p> <p>So, one of the key factors in closure of the service on a temporary basis has been that it would be difficult to justify acting on children's safeguard issues and leaving a staff group in which all but three had been re-deployed from Children and Families into Adults. A large proportion came from the children's homes which Lambeth closed following the SSI recommendations - [REDACTED] was probably one of the worst examples, but as I write this, there is a disciplinary going on about another member of staff who was working elsewhere and had been re-deployed there after a final warning for a similar offence."</p> <p><i>The reviewer notes that it is matter of concern that the above situation had knowingly existed for at least two years until this point, apparently with the knowledge and agreement of a number of senior managers.</i></p> <p>With regard to the numbers of families affected by the closure [REDACTED] wrote that all 41 families who were users of Chestnut Road had in effect had their original commitment reduced, and that this had happened because he had to operate within budgetary constraints and it was the only way to free money up to put in place other services mentioned in the consultation paper.</p> <p>(i) <i>It appears to the reviewers that [REDACTED] account of the outcome he was endeavouring to achieve was not</i></p>
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		<p><i>unreasonable (although the process may have been flawed), but that his efforts should have taken place within a framework and timescale, including reference to an agreed consultation process, which was agreed by the EDSS and Committee and appropriately resourced and administered, and facilitated by the Authority's press and media section.</i></p> <p><i>(ii) The reviewers ask whether middle and senior managers share a common understanding of what type of service decisions should be referred for agreement to Committee, which for wider consultation, including with service users, which to first/ second tier officers and which fall within the province of middle and first line managers..</i></p> <p><i>(iii) The reviewers note that in consideration of the impact of the [REDACTED] decision to provide only emergency cover at Chestnut Road during the Christmas period, the focus appears to have been upon the consultation process. However, they suggest that consideration should be given to whether such a decision should always be referred to members. They consider that if such a decision needed to be taken in exceptional circumstances, consideration could have been given to invoking extraordinary powers to refer the matter to members for their approval.</i></p>
10/1/2000	E-mail	Report for Cabinet drafted by [REDACTED] requested to send it to EDSS and Secretary for Children & Health.
26/1/2000	E Mail	[REDACTED] to EDSS and [REDACTED]..as predicted in my previous memo's there is now an inexorable increase in pressure via Complaints, Member enquiries, referrals to Ministers, the SSI etc. My ambition to stay within budget and to achieve a phased transition by June has been dented by the reality that both these are impossible to do alone. I have already acknowledged until I am blue in the face that the consultation process with parents could have been better but have also confirmed that all parents were invited to the meeting the previous April. There is now no alternative but to meet parents' demands and I will be instructing [REDACTED] to employ more agency staff for the remainder of the financial year."
31/1/2000	E-mail	<p>Parent(2) to [REDACTED] - complained that calls were not returned by [REDACTED]. Other complaints as follows;</p> <ul style="list-style-type: none"> • No further bookings pending outcome of a review of Chestnut Road • Several months since he attended a meeting and told review taking place • No letter received giving details of review • Clear picture of future provision required <p><i>The reviewers have not seen a response to this complaint. They understand that there is a complaints procedure that specifies the periods during which complaints must receive attention/ be replied to.</i></p>
1/2/2000	E-mail	[REDACTED] to [REDACTED] and [REDACTED] -Meeting with parents to be arranged for next week;

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	<p>Extract from Briefing Report for Executive Director of Social Services 25/1/2000</p>	<ul style="list-style-type: none"> • [redacted] to read report (25/1/2000) and attend • Strategy for early communication with families booked to use Chestnut Roads be agreed • Process of finding alternatives to be planned • Clarify who is to be responsible for reassessments • [redacted] mindful of urgent need to ensure half term period covered therefore important to respond to parents in interim. <p>Proposals for future made to members as follows;</p> <p><i>"In line with services offered by other boroughs the proposal is that respite care services in Lambeth comprises of respite foster carers, an outreach service with properly vetted workers going into family homes to relieve carers; after school and Holiday schemes and a residential service to be used exceptionally. While these proposals make sense and from my knowledge would bring Lambeth broadly in line with other boroughs, the new service will need to be properly established.</i></p> <p><i>Clear and communicated eligibility criteria will need to be developed for the new service. It will be necessary to research what the best services would be and to include consultation with service users in this process. Partnerships with Health, Education and the Voluntary sector must also be explored further. Thereafter agreement through the appropriate decision making processes will have to be sought and an implementation plan, which is monitored, will need to be put in place.</i></p> <p><i>Lambeth's respite care service and social work service for Children with Disabilities Service will need to be adequately managed under one management structure. This will be addressed by the implementation of the new structure. This model was not specifically proposed in the restructuring report recently accepted by committee but it will now be a more explicit part of the new structure if elected members are in agreement.</i></p> <p><i>Errors in communication were made and this will be explored with the relevant service managers. In the meantime, it will need to be noted that packages to the families will incur cost not built into the Division's budget. This will need to be quantified and decisions made thereafter."</i></p>
<p>2/2/2000</p>	<p>Report <u>Inspection of the Council-Run Care Homes 1998-99</u> to Policy Committee</p>	<p>Report entitled <u>Inspection of the Council-Run Care Homes 1998-99</u> presented to the Policy Committee. The report (p1) states: "Although no recommendations are made the report brings to members attention the remedial action required to bring the Homes up to standard." The section on Chestnut Road however is clear in that the Home; "did not meet registration standards in significant areas and the service provided was not of the quality expected by this authority."</p> <p><i>The reviewers note that:</i></p>

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		<p>(i) no recommendations were made in the report; the Chief Inspector calls for the outstanding requirements to be met and for a review of the service to take place. The reviewers consider that this in itself represents an ambiguity.</p> <p>(ii) No specific mention was made of the criminal convictions of staff.</p> <p>(iii) The Children and Families Management Response report and action plan lists difficulties in previous years but in the view of the reviewers did not propose immediate action to prevent the Council continuing to operate a Children's Home contrary to the requirements both the Registered Homes Act 1984 and the Children Act 1989.</p>
	<p>Letter to CPSS from Chief Inspector 23/3/2000</p> <p>E-mail copies and above/ Numerous e-mails and replies between [redacted] and Corporate Services staff</p>	<p>The Chief Inspector wrote to the reviewers "at the Policy Committee on 2/3/2000, I said that I did not consider the management response from C&F addressed the issues raised following the inspections."</p> <p>In copies of correspondence received by the reviewer and in the course of a discussion with the Chief Inspector it is evident that the Inspection Unit had real concerns about the findings of their inspections of Chestnut Road and the failures of management to take the necessary remedial action indicated by the second inspection in particular. It is clear that Inspection Unit staff were very concerned about the quality of the service being offered, the unsuitability of some of the unit's staff and the continuing lack of response from the responsible senior managers.</p> <p>The Chief Inspector also expressed his frustration at the protracted process of submitting his report to the Policy Committee. This had developed as a result of the 'modernisation' reforms to the committee structures. Difficulties appeared to hinge on bringing together issues of reporting to [redacted] with committee deadlines, together with failure of the Corporate Authority and Members to determine what issues went to which of the new committees. The result of these difficulties was that members received the annual inspection report 10 months late.</p> <p>(i) The reviewers suggest that if action has not already taken place in respect of delayed reporting of inspection reports to members, consideration should be given to this issue.</p> <p>(ii) The reviewers have noted above that the chronology suggests that consideration needs to be given to what operational decisions need to be referred to which committees.</p>
2/2/2000	E-mail	[redacted] letter to Councillors in relation to the above - Chestnut Road did not meet registration standards.
2/2/2000	South London Press	Article on 'leaked' report – "Worker Sacked at Respite Unit."

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3/2/2000	E-mail	<p>██████ to EDSS and ██████ seeking authorisation to proceed to give Contact-a-Family use of Chestnut Road from 21/3/2000. ██████ appears to accept that "there will be a change of direction or at least a slowing down of the change plans. Also that it now appears that the only people who knew of the implementation of the proposals approved by the Respite Care sub group were ██████ and ██████". He also reminded the EDSS of his memo on 11/5/99 asking for the change proposals to be reported to ██████ and then on to Policy Committee.</p> <p><i>It would appear from this e-mail that ██████ was concerned that he was being singled out for responsibility for the decisions to move towards implementation of change plans approved by the Respite Care Sub Group. What is not clear to the reviewers is whether the Sub Group had decision making powers, or whether they had only powers to make recommendations to ██████ and whether middle managers would have a clear understanding of the powers of committees and their sub groups.</i></p>
3/2/200	E-mail	<p>██████ to EDSS ██████ "please clarify who is supposed to do and clear references for staff." He refers to problems arising from the manager providing references but omitting important information of which s/he was unaware because of previous HR practices.</p> <p><i>In view of the decision to make redundant Chestnut Road staff, about some of whom there were serious concerns, this is clearly an important issue.</i></p>
4/2/2000	E-mails	<p>Correspondence relating to briefing of SSI. EDSS informed ██████ that she had amended it and asking that he read it carefully.</p>
9/2/2000	E-mail	<p>██████ to ██████ complaining that she had agreed to accommodate a child(2) for one week but when she spoke to a CWD social worker she had been assured that the child(2) would be staying for four weeks.</p>
9/2/2000	E-mail	<p>██████ to ██████ (with regard to the placement of this child(2)?) "Lets raise it as an example at tomorrows meeting with ██████ I want a record of ██████ giving a clear direction/instruction as to who is to do what."</p>
10/2/2000	E-mail	<p>██████ to ██████ Informing them that child(2)'s father was refusing to have him back (from Chestnut Road?) and referring to a previous period when he was left at Chestnut Road for over 20 months.</p> <p><i>This raises a question for the reviewers about the legal status of this child. I.e. Is he 'looked after', and if so what was the nature of the agreement about his care between the Authority and the parent/s?</i></p>
10/2/2000	Response to Draft Report	<p>Meeting convened by ██████ to discuss Chestnut. The meeting concluded that, in order to give the public a degree of confidence about the integrity of any investigation, an independent enquiry into the events at Chestnuts should be commissioned.</p>

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10/2/2000	E-mail	<p>instructed (on behalf of Acting Service Manager South) to withdraw this specific service to the child(2) provision for this child was in contravention of guidelines and Inspection criteria.</p> <p><i>Without being aware of the legal status of the child it is not possible for the reviewers to make a judgement as to the appropriateness of the action taken.</i></p>
10/2/2000	Interview with reviewer	<p>informed the reviewer that from this date no resident respite care service was provided at Chestnut Road.</p>
10/2/2000	E-mail	<p>Meeting with parents.</p> <p><i>It is not clear to the reviewer what was the nature of the meeting.</i></p>
13/2/2000	E-mail	<p>From to - report delayed Secretary for Children Health not happy with management response from a further comments had to be inserted"</p>
14/2/2000	E-mail	<p>to "Understand that a child is resident at Chestnut Road after being told that the service was suspended urgent confirmation of staffing and other issues required"</p>
15/2/2000	E-mail	<p>to This e-mail discusses problems about finding suitable placement for child(2), who appears to have been presenting challenging behaviour and to be very distressed.</p>
15/2/2000	E-mail	<p>From to : Requesting details of complaints about closure, lack of information and background history of staff.</p>
15/2/2000	E-mail	<p>to " bring to your attention once again the lack of response in relation to Chestnut Road"</p>
15/2/2000	E-mail	<p>to confirming agreement to further extended stay of Child(2) at Chestnut Road on previous Friday. It also says that although assessment is needed placement is made urgent.</p> <p><i>The reviewers assume that in making such a judgement, an initial assessment had been made. That a child was resident at Chestnut Road, despite its ostensible closure, would indicate that alternative provision had not yet been made available.</i></p>
15/2/2000	E-mail	<p>to and wanting to know what CWD team was doing by way of assessment and "clearer evidence of working was required from both in the form of a report".</p> <p><i>Given the evident urgency of the situation this entry raises the question of whether there were clearly understood protocols regarding the priority to be given to undertaking assessment of need in such a case.</i></p>
15/2/2000	E-mail	<p>to Everyone who had copies of complaints should have sent them to yesterday. had sent copy of the letter to parents and a list of recipients but no records of complaints although most parents unhappy about</p>

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		<p>closure and lack of information. ■ only had one ■ relating to parent(1). ■ asked again for material from ■ referring also to ■ having said to that some parents had raised issues about the background history of some of the staff employed at Chestnut Road, although ■ said she had no such complaints. ■ listed the complaints received as: parent(1), parent(3) (by phone), parent(4) and parent(5). ■ made a handwritten comment that "what needs clarity is why is a ■ 'referral' (made against members of staff by the parents at the meeting?) now defined as a 'complaint'?"</p> <p><i>While appreciating that there may be a point to this comment, the reviewers consider that if ■ had received information which could have related to a child protection matter, this needed to be conveyed in writing to the child protection team.</i></p>
16/2/2000	E-mail	<p>■ to ■ Understood that new placement had been found for child(2) and concerned "that we should prepare for a complaint from child(2)'s mother about the allegation that the department has never contacted her before and that she was unaware of the length of time child(2) had spent at Chestnut Road. Because of the nature of her separation from her husband she could not contact him direct and believed that the local authority should have kept her informed of what was happening to the child.</p> <p><i>The reviewers ask whether it is clearly indicated on all children's files what the legal status of the child is, and where parents are separated or divorced what the contact arrangements are as determined by the Court. If, as appears likely, child(2) was a 'looked after' child, his mother's complaint is all the more serious.</i></p>
16/2/2000	E-mail	<p>■ to ■ "Is there any chance of me seeing the (closure of Chestnut Road?) letter to parents?"</p>
16/2/2000	E-mail	<p>■ to ■ "where is the letter, ■ is waiting to sign the letter that I told her she would have tomorrow"</p>
16/2/2000	E-mail	<p>■ to ■ He had seen the letter and noted that it made no reference to the staffing or inspection issues, linking this with "the insurance liability matter raised by ■ at our meeting last Thursday". He asked that ■ be included in correspondence.</p> <p><i>The reviewers note that this is the first time that they have seen reference in the correspondence to the issue of insurance liability. They suggest that if this has become an issue as in North Wales, consideration be given to seeking guidance from the authority's lawyers, ■ and elected members, since anxiety about this matter would appear to threaten efforts to achieve transparency and partnership with parents and to ensure the paramountcy of the welfare of the child.</i></p>
16/2/2000	E-mail	<p>■ to ■ had just 'phoned her re ■ seeking information re outcome of the investigation she was alerted to by the Director's letter last year, and particularly whether charges were being brought against anyone. ■</p>

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		suggesting that those service users who had received the Director's letter should be informed of outcome on a need to know basis.
16/2/2000	E-mail	██████ to ██████ Re consultation with parents, commenting that "I do think that we would be a little more honest about the scale of the omissions."
18/2/2000	E mail	██████ to ██████ Comments that details of complaints not received from ██████ and of issues of anecdotes.
19/2/200	E-mail	██████ to ██████ – response to Inspection report, ██████ to draft. ██████ to let ██████ know what the intended use of Chestnut Road is to be.
22/2/00	Letter from EDSS to parents/ carers	Letter from EDSS to parents/ carers: <ul style="list-style-type: none"> (i) Apologising for failures in communication about the closure of Chestnut Road and respite service proposals; (ii) Referring to decision in principle to close unit and review respite services taken in Autumn 1998.; (iii) Referring to recent press coverage of re "serious irregularities" in running of Chestnut Road and consultation process, including reference to allegation of sexual abuse by a staff member which had not been substantiated; (iv) Referring to proposals to provide alternative respite provision and the need for re-assessment of need for the service, but undertaking to honour commitments undertaken for the Easter holidays; (v) Referring to decision to commission an independent investigation into recent events at Chestnut Road to "ensure that we learn the necessary lessons"; (vi) Undertaking to look at demand for respite care and resources allocated; (vii) Intention to hold a series of consultation meetings with a view to developing new services from the summer.
28/2/2000	E mail	<p>██████ to ██████ commented that listening to 'anecdotes' about the histories of staff and foster carers had facilitated Lambeth in obtaining information which enabled their compliance with Utting, Warner et al.</p> <p><i>The reviewers acknowledge problems associated with anecdotal evidence nonetheless, they ask whether all staff are clear about their responsibility to report allegations about, or suspicions of child abuse, including those that relate to staff members, and whether the authority has a 'whistleblowers' policy.</i></p> <p>██████ went on to comment: "...normal practice is to acknowledge the issues to parents, ask if they wish to report incidents unreported or unsatisfactorily dealt with in the past and respond appropriately. Attributing the reluctance to inform people to insurers is not something which more recent enquiries have deemed acceptable practice."</p>

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		<i>The reviewers concur with this view.</i>
1/3/2000	E-mail	██████ to ██████ Puzzled by ██████ previous e-mail, reiterated that ██████ had said at the meeting of parents that there were documented complaints and that he ██████ would send them to ██████ but see reviewers' note for 15/2/2000
2/3/2000	E-mail	██████ to ██████ "what is happening to date, I do feel we need to have more discussion on who is doing what and some time scale on this. Contacted ██████ a few times – he has not got back to me. Contacted ██████, informed me he had offered to help but not been told anything definite yet. Spent two days with CWDT they are now starting the process of reassessing all children and planning new care packages"
2/3/2000	E-mail	██████ to ██████ – problems with most effective use of agency staff and "Could someone please delineate the respective roles of ██████ and ██████ in this instance"
8/3/2000	E-mail	██████ to ██████ re facilities for people with disability at the Town Hall where it is planned to hold a meeting with parents "tomorrow"
8/3/2000	Notes of a meeting	Meeting held with parents and carers – EDSS apologised for Department's performance and failures in relation to explaining what was happening, to consult and to keep people informed as decisions were taken.
13/3 /2000	Copy of a letter from ██████	██████ an ex member of staff at Chestnut Road, had written to object to comments attributed to the home manager ██████ in the South London press on 18/2/2000. She agreed that there were in the home a "small number of staff that should have been sacked" but said the remainder worked hard and diligently. ██████ was also very critical of ██████ and accused her of failure to manage and to deal with issues brought to her attention.
14/3/2000	E-mail	<p>██████ to ██████ and others:</p> <ul style="list-style-type: none"> • Mother of child(3) complaining that she had not received contact or a service for a year now had heard about the staff backgrounds and wished to have the matters she raised a year ago reopened. <div style="background-color: black; height: 40px; width: 100%;"></div> <ul style="list-style-type: none"> • ██████ drew parallel with allegations made by ██████ also about bruising to breasts. • E-mail implies expectation that allegations would be investigated. • Requested guidance re referral route i.e. CHILE or ██████ apparently believing that child protection investigation had been written into the reviewers' terms of reference.

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		<p><i>The reviewers are concerned that this entry indicates a lack of clarity about the proper route for the referral of child protection allegations and concerns. They would expect such allegations to be referred immediately to the child protection team.</i></p>
	<p>Extract from Briefing Report for Executive Director of Social Services 25/1/2000</p>	<p>In her report the Assistant Director summarised her findings thus: <i>It took over 2 years to implement committee agreed changes. The management of Service User issues was poor. Parents now need to be identified. A fulsome apology is needed. Commitment up to the summer holiday will need to be honoured and the task of establishing a new service will need to be undertaken. Care Packages will all need to be reviewed. Given the fact that the budget is spent for this year, new packages where appropriate will result in additional cost. A meeting of the relevant managers will be held next week in order to address the immediate as well as the longer- term issues.</i></p> <p>A full report was to be presented to Policy Cabinet on 24/4/2000 setting out the issues together with an action plan. The reviewers do not know what the outcome was of this meeting.</p>

**Events and Circumstances Associated with Changes
to Services at a Home Providing Residential Respite
Care for Children with Disabilities**

**Part 3: Analysis of Key Managerial Issues and
Recommendations**

**A Review for the London Borough of Lambeth
6th September 2000**

Review of Events and Circumstances Associated with Changes to Services at a Home Providing Residential Respite Care for Children with Disabilities

Part 3: Analysis of Key Managerial Issues and Recommendations

Introductory Comments

3.1 In the introduction to this report (see Part 1) the terms of reference were set out as

- To review the Directorate's analysis of previous difficulties at Chestnut Road Respite Care Unit, the reasons for them and the management actions taken in response to them;
- To comment upon the robustness of the proposed management action plan formulated by the Directorate to deal with the difficulties identified.

It was noted that Part 3 of the report contains an analysis of some key issues that emerged from our study of the chronology and which were considered to have implications for the Directorate's action plan as outlined in the Acting Assistant Director's analysis of events and their management requested by the EDSS following a tripartite meeting with members on 25.1.00. (Hereafter this paper, which is reproduced in full at Appendix 3, is referred to as the Briefing Paper, 25.1.00.) Consideration has also been given to the action plan in respect of future respite services prepared by Lucas Sandberg Associates, although the reviewers did not consider it within their remit to undertake a critical analysis of this material. Recommendations are provided with a view to strengthening and supporting the Directorate's plan.

3.2 At Part Two of the report a detailed chronology of events in relation to Chestnut Road is presented, annotated with extracts from the Briefing Paper, 25.01.00, and the reviewers' own commentary. The reviewers caution that, given the amount of material presented to them by review participants the chronology is not exhaustive, contains some undated material, and to some degree relies not only upon the memories of participants, but also upon their own interpretation of the material. Nonetheless, they believe that the chronology does provide an account of events as they unfolded, an explanation of some of the decisions taken, and also gives rise to a number of themes and issues which are considered further in this Part. This part of the report, then, goes on to analyse key aspects of service management beyond the level provided in the Chronology.

3.3 It should be emphasised that during the review process a number of commendable individual examples of good practice and commitment have been identified and the reviewers wish to acknowledge these. However, by its nature this type of review inevitably must focus upon problem areas and there is a danger that this can obscure areas of good practice and the genuine efforts of individual staff members to overcome significant difficulties.

3.4 Regrettably, however, in what follows there are a number of examples of actions taken which could and indeed should have been carried out more effectively. In some of the situations identified by the reviewers, John

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Barratt's report (30.9.99) into the management of a child protection matter comes to mind in terms of at least a partial explanation. Its recurring theme of *"Organisational Incompetence"* and *"considerable questions about the effectiveness of the Council's committee system for supervising its Social Services responsibilities"*, has much resonance for the reviewers, particularly when translated into their consideration of the management of certain aspects of the service for children with disabilities forming the substance of this report.

Perhaps more worrying still were examples of human resources and management practices which seemed to be completely at odds with both the spirit and letter of the Warner Report and Sir William Utting's Children in the Public Care, and the reviewers were reminded of observations made over five years previously in the Appleby report: *"Lambeth appeared to apply a recruitment policy which led to staff being recruited who were not only unqualified and inexperienced, but were totally unsuitable for the jobs given to them. The recruitment of staff bore signs of nepotism"*. It is possible that to some degree the managers involved in dealing with human resource issues at Chestnut Road were grappling with a legacy from the period to which the Appleby Report applies, but in so doing previous errors appear to have been compounded in a number of ways, and human resources issues apparently became confused with service issues. Part Three represents an attempt to unravel some of these issues.

The management of the inspection process in relation to Chestnut Road Respite Care Unit

The duty to inspect

- 3.5 Chestnut Road was managed by the Adult Services Division until October 1998 and the reviewers were concerned to learn that until 1997 the unit was not the subject of inspection by the Independent Inspection Unit. The Chief Inspector explained that there had been an acute shortage of resources since the unit's inception and a decision had therefore been made that inspections of Chestnut Road were a discretionary matter and would not take place until further resources had been made available. It is not clear to the reviewers how far a justification for this decision was founded in an ambiguity about the legal status of the unit, i.e. whether in relation to inspection it should be seen as being subject to the requirements of the NHS and Community Care Act 1990 which set up 'arms-length' inspection units and required that council - run residential homes are subject to regular inspection; or whether it should be seen as a council - run children's home and therefore subject to the requirements of the Children Act 1989 and the inspection requirements for such homes specified by LAC(92)14. In this regard they note the explanation provided in the Briefing Paper, 25.1.00:

"The internal inspection unit first inspected Chestnut Road in 1997. The reasons for this are twofold. Firstly, it is advisory guidance (LAC (92) 14 rather than law, that requires the inspection of Local Authority run Children homes. Secondly, it is reported that the inspection unit has not been resourced to carry out this function and have highlighted this issue in annual reports. It is however not clear that the reports specifically said 'this means that Chestnut Road is not being inspected'. When the SSI inspected Lambeth's Children's Homes in 1994 they asked Lambeth to meet

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both statutory and advisory requirements. Our inspection unit reports not being able to do so before 1997"

The reviewers, however, have taken the view that the basis on which the home was provided stemmed from section 53(1)(b) of the Children Act 1989 and therefore that it should have been regarded as a 'community home' within the meaning of the Act. This being the case the Children Home Regulations 1991 and Arrangements for Placement of Children (General) 1991 would also be applicable. However, they note that the legal status of respite care homes for children with disabilities has been the subject of debate nationally and that the matter is expected be clarified with the enactment of the Care Standards Bill.

- 3.6 Whatever the justification made for a decision not to inspect Chestnut Road it is of concern that provision for a particularly vulnerable group of children should not have been inspected until 1997-8. This is all the more the case since, the reviewers understand, there were some children who were in effect long stay residents and may have been 'looked after' children. It was also suggested to the reviewer that although not happy with the arrangement the SSI appeared to have gone along with it.
- 3.7 A further matter of concern is that the reviewers were informed that the Inspection Unit had for a period of 2 1/2 years following the closure of the Authority's own children's homes, been unaware that Chestnut Road was operating as a children's home because no-one had informed them of this. There must be a concern that this indicated a lack of awareness on the part of operational managers of legislative requirements, the role of the Inspection Unit and significance of the inspection process. In light of the lack of response by managers to the inspection reports of 1998 and 1999 it must be asked whether such a lack of awareness was a continuing issue.
- 3.8 The Inspection Report for the year 1997-8 appears to relate to inspection carried out in March 1998, and states that the inspection standards used were drawn principally from the Children Act 1989 Guidance and Regulations Volume 4, and derived from the SSI document Inspecting for Quality. Standards for Residential Child Care Services¹.

The role of the Inspection Unit vis a vis the operational divisions, and status of inspection reports

- 3.9 The Head of Inspection is, in his annual report (1998-9) to Policy Committee of 2.2.00, clear in his advice that *"It is an expectation under legislation and guidance that that local authorities maintain in their own (directly provided) homes the same standards they require in the regulation of the independent sector...."* He continues: *"Although no recommendations are made to Committee, the report brings to members' attention the remedial action required to bring the homes up to standard."*

¹ The inspector writes that *"It was agreed with the home manager and her line manager that those standards were more suitable to assess the working of a children's home than those derived directly from the 1984 Registered Homes Act, which would have been the main legislation governing registration and inspection of homes for children with learning difficulties, had the home required to register. However as part of the inspection the requirements of the Registered Homes Act were considered to ensure that the home was not significantly varying from them. This approach has been followed by other Local Authorities in inspection of directly provided respite units for children with disabilities."*

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The implication of this appears to be that responsibility for fulfilling Inspection Unit requirements and recommendations could be seen to fall solely to officers, and it is not clear to the reviewers how the Authority deals with recommendations which - as was the case in relation to Chestnut Road - have policy and/ or resource implications. It is also not clear to the reviewers how far, in the absence of recommendations to committee and pending the establishment of independent regional Commissions for Care Standards, elected members have viewed the requirements of the inspection reports as binding. If it is possible that they have not viewed Inspectors' requirements as binding, this raises a question as to how officers have viewed them. It is a matter for concern that the reviewer was informed that *"It was easily accepted that there was a difference in standards between public sector homes and the private sector and that this appeared to be acceptable to members."* The reviewer was also told that this would not happen now.

These issues are of particular relevance because the chronology suggests that from the presentation of the Inspector's first report of March 1998 there appeared to have been - actively or passively - a collective organisational resistance to implementing the requirements and recommendations of the reports. This seems to have been in some part to do with the human resources management practices considered below and which appear to have become confused with service provision issues, as well as with an apparent belief that such reports could be ignored pending the meeting of other priorities, or resolution of other difficulties.

The reviewers consider that no one officer was singularly responsible for this state of affairs. The chronology clearly shows attempts by the Service Manager to engage a number of his seniors and/ or colleagues in Human Resources to rectify matters associated with the employment of inappropriate staff and to acknowledge resource problems arising from built in under-funding of the unit. And, convinced as the chronology suggests that he was, that a wide range of respite care services needed to be developed to replace the more narrowly based residential service of Chestnut Road, he clearly struggled to develop new options. But he appears to have taken the view that until the service and staffing issues could be resolved, it would not be possible to implement the Inspector's requirements and recommendations. The reviewers take another view, i.e. that while some of the Inspector's requirements and recommendations may have been outside the control of the Service Manager, those that related to the development of policy and practice guidelines were not and should have been dealt as priorities so long as the establishment remained open. Other requirements and recommendations regarding, for example, the qualifications and training of staff, recruitment of staff, and staffing levels, should have been seen as the responsibility of senior managers who, if they were powerless to act, had a responsibility to refer such matters to elected members. As it was e-mails from the Inspection Unit to the Service Manager on the subject appear not to have been responded to for months at a time, and when senior managers were eventually involved by the Head of Inspection it would appear from the correspondence that responsibility for a response was seen to rest at the door of the Service Manager.

- 3.10 The events described in the paragraph above must also be placed in the context of reports received by Social Services Committee of 2.7.98. These included:

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- The annual report of the Head of Inspection which in relation to Chestnut Respite Unit contained the following main requirements:

- * That the home's statement of purpose and associated documentation elaborate on what is offered and the manner in which the care is provided

- * That a staff development plan be formulated, consistent with the aims of the home and able to achieve the expected levels of qualifications for senior staff and appropriate training for all staff within an agreed period of time

- * That a child protection policy and procedures specific to the home (consistent with the Lambeth procedure) be developed as a priority and that all staff receive related training.

- * That resources are allocated to ensure that reviews are carried out

- * That the staffing of the home is reviewed and steps taken to ensure that the actual staffing complement, in terms of numbers, experience and qualifications, conform to the agreed requirements.

- The response of the then EDSS to the report of the Head of Inspection, which was as follows:

"The first inspection of this unit is welcomed. The move to the Children and Families Division should assist in the integration of the unit with other children's services, and in the planned programme of service development. The unit has also received independent recognition of its high standards."

- A report of the Adult Services Division which, in the words of the Acting Assistant Director in her Briefing Paper, 25.1.00 outlined "cost cutting proposals changing and reducing the staffing complement, which the Committee accepted. The report was primarily about adult services residential provision but Chestnut Road was also specifically referred to. The proposals were in breach of the SSI standard against which Lambeth's other residential homes had just been inspected and were against researched good practice standards. The proposals meant that staff were to be employed on a part time basis for short hours.....this effectively almost doubled the numbers of staff intimately caring for very vulnerable disabled children (from 19 to 30). In addition the proposal and subsequent action reduced managerial capacity to ensure the necessary surveillance. All deputy manager posts were deleted....."

In 1998, the service was transferred to the Children and Families Division. The budget transferred was based on the new staffing structure agreed by committee and it was therefore 17% short of the budget required to pay the 'established' staff group. In effect the budget had a build in overspend which was compounded by

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the two members of staff who had been suspended and the 6 staff with on average 30 days sickness levels. This required high levels of agency cover at an increased cost."

It is not evident to the reviewers whether elected members had been informed at the time that the service was not viable from an economic perspective or what the implications of the proposals would be for the quality of service provided. The Acting Assistant Director's evaluation of the impact of the changes on Chestnut Road is at variance with the extract from the EDSS Response to the report of the Head of Inspection to SSC, cited above. This raises questions about how far the implications of one report for another were cross referenced by officers and members; and whether Legal Services advice had been sought as to the implications of the proposals for the Council's ability to meet their statutory duties.

- 3.11 A further problem which was reported to the reviewer and which may have contributed to the drift identified in the Briefing Paper, 25.1.00, relates to delays in the presentation of inspection reports to Members of the Council. This was seen as stemming from the new Committee structure and, if so, the problem will need to be resolved. It also appears that there were significant delays between the inspection for 1999-2000 and preparation of the full report. Although it appears that the Inspector provided a summary report soon after the inspection process was completed, the chronology also suggests that the Inspection Unit may have been under considerable pressure arising from inadequate budget provision and further consideration may need to be given to this matter.
- 3.12 The reviewers shared the view of the Head of Inspection that the Directorate's response did not address adequately the significant concerns raised by the Inspection process. However, the reviewers also consider that the summary reports contained in the annual reports of the Head of Inspection lacked specificity in relation to some serious concerns, and that this might have had the effect of dulling their impact upon members and of paving the way for a relatively anodyne management response. It is not clear to the reviewers whether a degree of circumspection reflected a more general reluctance to present elected members with 'bad news', or whether a pressure for committee reports to be received in open session for reasons of democratic accountability has inhibited openness.
- 3.13 It was reported to the reviewers that failures in communication from operational staff to the Inspection Unit noted above again re-emerged in that the Inspection Unit was not informed of the intended closure of Chestnut Road, nor of the intention to commission this review.

Closure as a solution to concerns of the Inspector

- 3.14 It is noted above at paragraph 3.9 that the Service Manager's view appeared to be that the best means of resolving the issues raised in the Inspection reports was to work towards the closure of the unit as part of the development of a range of respite services. Given the length of time required to vary a service in such a manner as to allow for the wishes and feelings of the children, their parents and carers (section 22 Children Act 1989) to be properly considered, for alternative arrangements for staff to be made and for the political process to run its course, the reviewers consider that this was never a viable option as an alternative to meeting Inspection Unit

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requirements. Consequently, whilst these matters were being attended to (as it transpired, slowly and somewhat painfully) children were left at risk.

The Service Manager could no doubt be criticised for such a confusion of issues, but the reviewers suggest that consideration is given to whether operational managers necessarily possess the skills, training and time to lead on significant and complex service developments.

The responsible Inspector

- 3.15 The reviewers would wish to acknowledge the work and tenacity of the responsible Inspector in the face of the problems cited above. Both of her reports endeavoured to be balanced and fair, although it was unfortunate that detailed consideration of staff recruitment and vetting procedures, and of Regulation 22 visits was not undertaken until the 1998-9 inspections. It is a matter of concern that she was eventually obliged to obtain assistance from the Head of Inspection to obtain a response to her requests for information about progress made (or not made) in implementing Inspection Unit requirements and recommendations.

The role of the Chief Executive

- 3.16.1 Consultation took place between the Department of Health and local authorities in the mid 1990's regarding the Head of Inspection becoming directly accountable to the Chief Executive of the Council and not to the Director of Social Services. Although this proposal never was enshrined in legislation or guidance from Government many local authority's adopted the proposal as good practice. Where this occurred day to day management is provided by the Director of Social Services but direct access is available for the Head of Inspection to the Chief Executive if and when necessary. It is the reviewers understanding and personal experience that such arrangements have been put in place specifically to deal with circumstances where a Social Services Department (or Committee) may be unwilling or unable to respond to improvements required by the Inspection Unit.
- 3.16.2 The Chief Executive was however as a result of these consultations given responsibility to prepare annual reports on the performance of the Inspection Unit. The reviewers understand that whilst it has to be acknowledged that reporting responsibility for the Head of Inspection is currently through the Director of Social Services it would be the expectation in most local authorities that where reports of the Inspector to the Director of Social Services and the Social Services Committee (Policy Committee) were not being responded to adequately the Head of Inspection should seek to discuss the matter with the Chief Executive to enable him / her to carry out their reporting function on the Unit's performance.
- 3.16.3 In his response to the reviewers' draft comments on this matter the Head of Inspection informed the reviewers that to his knowledge the Head of Inspection has been accountable to the Director of Social Services and that he was not aware of directions to the contrary.
- 3.16.4 He goes on to say that "*the Waterhouse (North Wales Inquiry) included a recommendation whereby the Head of Inspection should have direct access to the Chief Executive if needed*".

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- 3.16.5 The reviewers understand from the same source that: *"provision has been incorporated in our Even-handedness policy since 1992, which says: "In the event of dispute between the Director of Social Services and the Inspection Unit over a matter which the Unit considers contrary to standards laid down and which it would not accept in the P& V sectors, the Unit may refer the matter to the Chief Executive"*
- 3.16.7 In light of the issues discussed in paragraph 3.16 it is not clear to the reviewers whether, in circumstances where the Head of Inspection was apparently not able to progress concerns with staff and members of the Social Services Directorate and Committee, the Chief Executive was informed of the difficulties in order to allow him/her the opportunity to intervene either directly or via his/her annual report.

Recommendation 1

It is recommended that the reviewers' comments in relation to the inspection of residential homes for children with disabilities and implementation of Inspection Unit requirements and recommendations are considered further and that:

- (i) The Executive Director of Social Services issues guidance to relevant staff regarding compliance with reports of the Inspection Unit;*
- (ii) The Chief Executive reviews arrangements for the presentation of annual reports to members;*
- (iii) The Executive Director of Social Services clarifies the issues raised in paragraph 3.16 with the Social Services Inspectorate of the Department of Health*

And consequent upon the response received:

- (iv) The Chief Executive and the Executive Director of Social Services review reporting arrangements for the Head of Inspection*
- (v) The Chief Executive considers offering guidance to officers on circumstances where he/she would require to be informed of difficulties in relation to the effectiveness of the Council's Registration and Inspection Unit.*

The management of human resources issues

Employment practices, 'dangerous employees', and the paramountcy of the welfare of the child

- 3.17 It is clear from the chronology to this report and the documentation studied by the reviewers that there were a number of staff at Chestnut Road whose employment history was less than satisfactory. Also significant in these cases was the 'relaxed' or 'accepting' attitude taken toward resolution of difficulties, and prolonged periods of managerial inactivity and /or suspension of the individual. The reviewers gained the impression that for some senior managers and human resources professionals 'justice' for the employee appeared more important than the safety and welfare of children, although perhaps perversely, the pursuit of a just outcome took so long to achieve that this in itself could be viewed as representing an injustice. The reviewers were also very concerned that the importance and requirements of both the Warner Report and Children in the Public Care in respect of safe employment practices had apparently not impacted upon the Council. Two notable exceptions to this observation were the Service Manager and the Unit Manager with responsibility for Chestnut Road.
- 3.18 In order to illustrate the above the case of the employee [REDACTED] is instructive (see CHILE report (undated):

[REDACTED] began working for Lambeth Council 1990. There were a number of omissions from his application form. He was [REDACTED] years old but did not reveal any previous employers. A recruitment panel including a human resources professional interviewed him on [REDACTED] 1990. No job description or person specification was available on the personnel file. A letter of appointment to the post of RSW 1 at South Vale Assessment Centre was dated [REDACTED] 1990, conditional on references, medical clearance and satisfactory police checks. His application form contained one admitted conviction [REDACTED]. A police check received on [REDACTED] 1990 detailed seven offences, [REDACTED] occurring between 1971 and 1979. The offences were committed between the ages [REDACTED] years to [REDACTED] years and one resulted in a prison sentence [REDACTED]. Three days after receipt of this information a letter of appointment was authorised and [REDACTED] took up the post on [REDACTED] 1990. In 1995, with the closure of the South Vale Centre, he was to have been made redundant but was offered a post at Monkton Street Respite Centre. The re-deployment process did not include disclosure of previous convictions; therefore his new manager was not aware of his history. This resource also closed and [REDACTED] was relocated to the sister unit, Chestnut Road Respite Centre.

[REDACTED] was suspended from duty on [REDACTED] 1998, after the allegation from a parent that their child had disclosed sexual abuse and named him as the perpetrator. The reviewers noted that concerns of a child protection nature had been voiced prior to this allegation.

The minutes of a Planning Meeting in 1992 detail a number of allegations against [REDACTED] at South Vale. These concerned the rough handling of adolescent boys in an attempt to control behaviour, i.e. pulling by the arm, pushing and shouting. [REDACTED] denied all the allegations and no action was taken. In 1993

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████ supervisor carried out an investigation into allegations at Stockwell Park Children's Home. It was alleged that █████ had used physical force to move a teenager to her bedroom up the stairs. Although other staff witnessed the latter incident, the result of the investigation was 'inconclusive' as witnesses' statements were not consistent. There is no record of any action taken.

The most recent concerns leading to the suspension involved complaints from parents that something had happened to their children while receiving respite care at Chestnut Road. The first child made a complaint to his mother and the second parent came forward after a letter to all parents regarding █████ suspension. Both cases were investigated, although complicated by the children's difficulty in communicating what had happened to them. The result was again inconclusive and the Child Protection Report found no firm evidence to form the basis of either criminal prosecution or a disciplinary hearing.

A report of risk assessment (undated) on the individual was carried out for the Executive Director of Social Services by the Council's Children Homes in Lambeth Enquiry team (CHILE). It concluded that:

- *"something frightening did happen to the children.....the investigation should not be reopened as it would be abusive to the children"*
- *"the management reportsuggests disciplinary action"*
- *"there is enough evidence to prevent █████ returning to his substantive post ...risk he poses to vulnerable children.....consideration to be given to future references"*
- *"why previous convictions were not revealed should be the subject of ongoing investigation"*

CHILE recommended that an urgent strategy meeting be undertaken with a view to considering disciplinary action. However, ultimately it was concluded that because the Authority had confirmed █████ appointment knowing that he had provided misleading information about his criminal convictions and had subsequently redeployed him twice; because allegations against him had not been proved conclusively; and because of the long delays between initial suspension and conclusion of the investigations he should not be subjected to a disciplinary hearing, but should be offered redundancy alongside other Chestnut Road staff. It was agreed that references would be 'minimal'.

In light of the above and events previously described in the chronology consideration is given to the following issues:

Failure to recognise the significance of employee offences

- 3.19 Throughout the scenario described above it appeared to the reviewers that some senior managers of the Directorate had been oblivious to the potential danger that a convicted criminal with offences such as those committed by █████ posed to vulnerable children. As can be seen the appointing officer was perfectly aware of the convictions from as early as █████ 1990 and was also aware that █████ had falsified his declaration in respect of these – in itself a serious matter. Again in 1995 a decision was taken to re-deploy █████ when the opportunity presented itself for his departure on the basis of redundancy.

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On [REDACTED] 98 it is recorded that the then EDSS and Assistant Director (Children's Services), who were concerned about the position, had sought legal advice and informed that dismissal of [REDACTED] was not an option. The Service Manager was informed by another senior manager that the latter did not know what stood in the way of [REDACTED] reinstatement. Indeed by [REDACTED] 98 the then Assistant Director (Children's Services) was proposing to meet [REDACTED] "to carefully plan his return to work".

- 3.20 It is not clear to the reviewers why, over a period of time, this group of senior staff felt either so unconcerned about the potential dangers to children or so powerless to act. Rather, in the face of advice from the [REDACTED] and the contemporary public expose of the abuse of children in residential care, they adopted a contrary course. The chronology suggests that the fact that [REDACTED] did not eventually return to work with children lay more with the persistence and professional integrity of the Service Manager than with the policies and procedures of the Council.
- 3.21 In relation to this the reviewers wish to bring to the attention of the Council their appreciation of the conduct of the Service Manager in resisting the attempts of his colleagues/ seniors (see chronology) to return a clearly unsuitable employee to work with vulnerable children. They point out the extent to which the individual was forced to set himself against his immediate manager, and the personal stress that such a position would have entailed.

It is also appears to the reviewers that the Service Manager was spending time and energy on issues that should have been straightforward, albeit painful, and that this took attention away from other matters relating to Chestnut Road which required urgent attention.

- 3.22 The reviewers note that a relaxed approach to the safety of children was not only in evidence in respect of [REDACTED]. It appears from the chronology that by November 1998 the Service Manager had become concerned about the issue of police checks apparently not having been carried out with respect to some of the Chestnut Road staff group. However, it also appears that it was not until August 1999 that a retrospective exercise began in respect of police checks and the reviewer was informed that even then staff were slow in returning their forms and Human Resources staff "slow of the mark" in chasing them up.
- 3.23 It is not clear to the reviewers whether the [REDACTED] and [REDACTED] consultancy services were informed of concerns about [REDACTED] and other staff members following their departure on the grounds of redundancy.

Acceptable Employee Behaviours

- 3.24 The Service Manager and the Unit Manager were concerned about various aspects of 'cultural' behaviour amongst staff. Examples were given of unauthorised 'visitors' at Chestnut Road and of rumours of 'informal' relationships amongst staff themselves, in some cases with their seniors both within Chestnut Road and the wider Directorate, but more worrying with parents and carers. The reviewers did not establish the precise nature of these 'informal' relationships but share the Service and Unit Managers' concerns about their potential for difficulty. It should be noted that the Service Manager did attempt to deal with these issues managerially.

The provision of human resources information to operational managers

- 3.25 The chronology suggests that both the Service Manager and Unit Manager were for a period of time denied essential information on the backgrounds of staff within the ambit of their managerial control, although this was eventually forthcoming. This action appears to have been taken by Human Resources professionals. If so this raises questions about lines of accountability within the Social Services Department and how far Human Resources personnel were informed of key legislative requirements of the Authority in respect of ensuring the welfare and safety of children, and of the paramountcy of the welfare of the child. There is a clear concern that managers could not themselves take responsibility for safeguarding the safety of children resident at Chestnut Road if they were not informed of the background of the staff employed there and whom they were required to supervise.

The decision making process in respect of human resources issues

Inclusion of operational managers

- 3.26 The chronology also suggests that the Service Manager and Unit Manager were excluded from forums where conclusions and decisions were being reached in relation to staff about whom concerns existed. The reviewers were not able to establish why this was so, nor what was the perceived problem with their attendance. Certainly, with respect to decisions relating to the suspended members of staff, there is a strong argument that at the very least the Service Manager needed to be involved to ensure that the needs of service users were kept to the fore.

Revisiting decisions / the need to act on prima facie evidence

- 3.27 It appears to the reviewers that the above synopsis of the case of ■■■ indicates a reluctance to act on prima facie evidence of staff misconduct in order to protect children. The chronology suggests a similar approach in relation to ■■■. In making this point the reviewers note that the accepted test of proof in a disciplinary hearing differs from the criminal test of 'beyond reasonable doubt' and is instead founded on a test of 'the balance of probability'.

The reviewers consider that the Council's primary duty to safeguard and promote the welfare of children looked after (the use of this definition here is significant in relation to the length and frequency of residential respite care for some children) and to ensure that children are protected from significant harm, should override other concerns. In their view, therefore, disciplinary action should be speedily instigated following an investigation where prima facie evidence of misconduct or gross misconduct has been established. The circumstances surrounding the case of ■■■ do not lead them to conclude that these considerations were correctly balanced or that the correct actions occurred. Initial errors of judgement appear to have been compounded.

Extended suspension

- 3.28 It appears from the chronology that at least two staff members were suspended from duty for over 14 months, presumably while investigations were being undertaken. Such investigations themselves appear to have been

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protracted. For example, in the chronology it is noted that in respect of [REDACTED] the CAFT report took eleven months to materialise. Quite apart from the costs involved to the Council in such situations, this is not considered acceptable human resources practice in terms of natural justice, and can - and apparently did - have the effect of undermining the Council's case. It was also suggested that at least [REDACTED] may not have been kept fully informed of the process which was underway.

Human resources issues and service planning

- 3.29 It should be noted that the progression of service plans involving the future of Chestnut Road appeared to have become closely inter-related with the decision-making process regarding the employment position of the Chestnut Road staff group, including those who were suspended or on long term sick leave. This would suggest that a clear distinction needed to be drawn between those decisions that related to suspended staff members, those that related to service development proposals, and those that related to the future employment/ redundancy of the staff group. While issues relating to suspended staff members could and should have been dealt with regardless of any other considerations, the other issues probably needed to be progressed in tandem. In this respect it appears to the reviewers that it would have been helpful to have established a service project group involving the Service Manager, Unit Manager, human resources and financial services representation, and crucially with a senior manager taking a lead role. As it was, uncertainties in the progression of service planning and resolution of redundancy issues had a serious effect both on staff morale and on the quality of service provided at Chestnut Road.

Concluding comments

- 3.30 It is not clear what the motivations were of those staff concerned in the above difficulties, i.e. whether this represented lack of training in relation to the statutory responsibilities of the Council in respect of children and young people and their carers; their understanding and application of explicit Council policies and procedures; their acting on their own initiative; or applying the sort of previous organisational values to which the Appleby Report drew attention. Whatever the reasons, the reviewers consider that human resources practices described above clearly represent unacceptable practice, are contrary to current DOH guidance, probably leave the Council open to legal challenge and do not serve to safeguard and promote the welfare of children.

Recommendation 2

It is recommended that the reviewers comments concerning the management of human resources in relation to Chestnut Road be considered further and that:

- (i) *The Executive Director of Social Services, if she has not already done so, carries out retrospective police checks on all staff involved in the care of children and takes any required action consistent with the need to safeguard and promote the welfare of children.*
- (ii) *The Executive Director of Social Services, if she has not already done so, issues procedures and guidance to relevant staff regarding access*

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to human resources information and considers 'fail-safe' mechanisms to avoid any reoccurrence of the difficulties discussed above

- (iii) *The Executive Director of Social Services, if she has not already done so, instigates a review of the Directorate's arrangements and guidance on staff discipline and suspension.*

The decision to close /change Chestnut Road – key issues and actions taken

- 3.31 It is not entirely clear to the reviewers which managers originated the decision to make service changes in respect of respite care/ close Chestnut Road. The Briefing Paper, 25.1.00 comments as follows: *"Senior managers from both Divisions decided to close the service in order to facilitate the implementation of the committee report proposals. The staffing features were a factor in the decision also. Staff were given redundancy notices and 'figures' on 25.10.98."*

However, the chronology suggests that while the prospect of change was discussed with staff on 3.11.98, the likelihood of closure may not have been. In this case redundancy notices and figures sent may have been based on the prospect of change of use rather than on firm proposals for closure. This appears to have been a continuing issue by March 1999 when Human Resources staff indicated that they were ready to send out "figures" (presumably for a second time), but requesting firm proposals, and it is not clear whether the lack of such proposals was a factor in further delays in the redundancy process and responsible for the decision to hold another staff consultation meeting in October 1999. What does emerge from this long drawn out process is a lack of steer, which could indicate a lack of ownership of the proposals.

- 3.32 This said, it is clear from discussions with the Service Manager, that he did favour closure of Chestnut Road as part of the redevelopment of respite services, and that his reasons were fourfold:
- The over-use of residential respite care by some service users resulting from a lack of explicit criteria for the allocation of respite care by the CWD team.
 - The inadequate staffing budget position brought about with the agreement of the Social Services Committee of 2.7.98 to the recommendations in respect of Adult Services.
 - A belief on the part of the Service Manager that quality of staff at Chestnut Road was inadequate, that serious historical problems of recruitment and staff retention existed and that certain senior staff would resist any attempts to change this position.
 - The need to respond to the report of the Head of Inspection.
(The reviewers have already commented on this above)

- 3.33 In order to progress the above it appears that on 14.9.98 the Service Manager submitted what he described as a detailed set of options to the then Assistant Director and sought guidance as to what he might say about his proposals to a meeting of staff to be held at Chestnut Road. There is no record of a reply, but he noted to the reviewer that he seldom got written authorisation but was told to proceed verbally. It also appears that he consulted the Human Resources officer who later responded (in October) that she had lost the paper without having read it. The meeting of staff went ahead on 18.10.1998 and the Service Manager outlined his proposals. The reviewers do not know whether this was with the benefit of further advice and guidance. With regard to the sending of redundancy notices and "figures" referred to in the Briefing Paper, 25.1.00, there is no record seen by the reviewers of this having taken place until 11.4.1999.

No further action was detected until 5.2.99 when the chronology suggests that the then Assistant Director cancelled a meeting with Unison which was apparently planned to discuss the proposals, because there was no clear programme on her part. It is evident from these events that the Assistant Director was fully aware of the Service Manager's proposals, but it is not evident whether she was supporting or rejecting them.

On 13.4.99 the Service Manager held a consultation meeting with parents using Chestnut Road at which, he informed the reviewers, he consulted on the draft proposals, which contained reference to the option of closure of the residential service as it was currently operating.

The Service Manager then attempted to gain the attention of his line manager once more on 11.5.1999 when he requested "supervision to discuss how to take the proposals further" but the reviewers do not know if this took place. Writing to the Acting Executive Director of Social Services on 14.5.99 he enquired if the proposals and budget shortfall should be the subject of a report to [REDACTED] making reference also to the new committee framework, but appeared not to have received a reply. In anticipation of the new Acting Assistant Director taking up post he recorded that he also sent the proposals to her on 14.5.99. The Human Resources officer acknowledged on the same day that the Service Manager's proposals would form the basis for staff consultation, but wrote that references to staff sickness and suspensions should be removed from the document. It should be noted that the issue of transparency and the extent to which this was desirable or necessary appears to have been a recurring theme in the events under review.

There then followed a period of time when the Service Manager was responsible to the new Acting Assistant Director. The reviewers noted from the differing statements and documentation that there is a clear difference of view as to the extent of the Acting Assistant Director's knowledge and understanding of the status and state of implementation of the Service Manager's proposals. The chronology for the period from June to August 1999 shows the extent of their differences in perception. Whatever the origin of these difficulties it would seem that the Assistant Director felt that she had not been informed of significant issues, that the Service Manager had failed to provide details of the plan, and that he lacked knowledge about Guidance, legislation and process. It appears that she believed that the service at Chestnut Road was no longer operating. The Service Manager on the other hand apparently believed that his line manager had instructed him to speed

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up the process of closure through a gradual reduction of the staffing establishment and a concomitant reduction in the service available to clients.

As the documentation and chronology demonstrate a basis can be found to both perceptions, and the questions perhaps becomes not 'whose version is correct?', but 'how did such an apparent breakdown in communication arise?' Further consideration is given to this question below.

It appears that by August 1999 redundancy letters sent to the staff group had been withdrawn.

On 12.10.99 the Service Manager wrote to the Acting Assistant Director informing her of a meeting with staff planned for 18.10.99 which would set out the *"grounds for changes proposed"* and seek re-endorsement of signatures of staff who had previously accepted redundancy offers. He once again sought clarification of roles and responsibilities in relation to [REDACTED] employment status. On 22.10.1999 he wrote again to his line managers, 'delighted' at the progress with staff (the reviewer took this to mean the initiative of the new Head of Human Resources to deal with the staff redundancy issue which by this point had been unresolved for a full year)

Perhaps the most significant single event so far as the events over the Christmas and New Year period were concerned took place on 8.11.99. The Unit Manager of Chestnut Road reported, *"as it will be difficult to recruit and induct staff and as we are so close to Christmas I feel that we should only provide emergency cover plus some possible evening care until the beginning of January."* To this the Service Manager replied "Agreed", but appeared not to

- appreciate that this new strategy was not in the proposals document.
- discuss this with his line manager
- seek the approval of the [REDACTED]
- seek the approval of members
- anticipate that the parents had not been consulted and this would be required before the decision could be taken.
- understand that in such circumstances it was extremely likely that parents would be upset (even if the judgement about them was that the use of Chestnut Road by some was excessive.)
- inform the CWD team.

It is possible that action was to taken with regard to the issues listed above but this was not referred to in interviews with the reviewer, or noted by the reviewers in the documentation provided. In the Service Manager's draft report to the SSI the reasons given for this decision were the process of staff redundancies and fear for the safety of the children as a result of "patterns of staff behaviour which had accompanied the closure of children's homes in Lambeth." If, however, this was the concern the question must be asked why arrangements could not be made to provide management cover or why discussions did not take place at the highest level within the Directorate as to what other options were available. The reviewer could find no record of the Executive Director of Social Services or the Assistant Director being aware of such action or proposed action prior to these events.

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The reviewers note a reference in the Service Manager's draft report to the SSI that the decision to limit placements taken between himself and the Unit Manager had some time later been modified. They assume that this action was taken in the light of public and political events which had ensued.

- 3.34 In consideration of the events associated with the proposed closure of Chestnut Road and the process which accompanied it is difficult to escape the conclusion that it was poorly planned and even more poorly executed. There is some evidence that particularly during the tenure of the previous Assistant Director the Service Manager was isolated and marginalised, and his workload appears to have been heavy. The situation in respect of the next line manager is less clear cut, although workload issues remained an issues, except that for whatever reason the management process again failed as did the human resources input prior to October 1999. Overall the process appears to have been disorganised, not in keeping with standards of management that are expected of the public sector and to have been consistent with John Barrett's description of "organisational incompetence."

The reviewers consider that while the Service Manager can be criticised for poor decision making in relation to the decision to withdraw service other than emergency cover over the Christmas holiday period without appropriate consultation, overall blame for the events associated with the proposed closure of Chestnut Road cannot be ascribed to a single individual. It is suggested that particular consideration be given to:

- The frequency, structure and recording of decision of supervision sessions at senior level.
- The extent to which officers may act on behalf of members in making decisions regarding changes or closures of the Council's services without reference to the Committee process.
- The extent to which managers at all levels are clear about the parameters of their responsibilities and discretion to act.
- The respective roles and responsibilities of human resources and operational staff and the co-ordination of their work.
- The need for major service projects to be led by a senior manager with sufficient authority to ensure the co-ordination of service issues, consultative processes, human and financial resources and proper authorisations.

Recommendation 3

In light of the difficulties encountered in the proposed closure of/ change of purpose for Chestnut Road it is recommended that:

- (i) *A Directorate protocol be developed whereby all decisions affecting the change or cessation of services to groups of individuals be the subject of discussion and decision of the Departmental Management Team*

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- (ii) *A written report be submitted to the DMT detailing the reasons for the proposed changes to a service, other options considered and a critical path analysis showing the method by which the proposed changes would be effected.*
- (iii) *Service proposals developed as in (i) and (ii) above are the subject of agreement by elected members prior to public exposition and implementation*
- (iv) *If this has not already been undertaken that Directorate policies are established with respect to the frequency of supervision of senior managers and that written records are kept of the same. In the event of such policies already being in place, that they are adhered to and that managers' performance be assessed in light of this requirement.*
- (v) *The staffing and resource allocation difficulties prompting the proposal to close Chestnut Road be resolved in line with other recommendations within this report.*
- (vi) *The working relationship and performance of the Service Manager and the Acting Assistant Director be the subject of further discussion with the Executive Director of Social Services*

Consultation with Parents and Carers

- 3.35 That the process of consultation with parents and cares over the proposals for Chestnut Road left much to be desired is not in doubt. The Service Manager has acknowledged this, particularly with regard to his decision to withdraw service during the Christmas and New Year holiday period, and the Executive Director of Social Services has made an unreserved apology to the parents involved for the matter. In a report prepared for the Executive Director setting out proposals for a new respite care service LS Associates (undated) noted the following;

"It is deeply regrettable that parents have not properly been consulted or informed about Lambeth's plan to close this unit. Nor have they been told of the serious concerns, including alleged child abuse, the improper employment of workers with serious criminal convictions, highlighted in recent inspection reports and otherwise. A small number of parents have complained about the unit apparently closing without them being informed. The risk must be that others will complain about Lambeth's failure to ensure the safety and proper care of their children (not least because a story has been aired in the South London Press)."

- 3.36 The reviewers share some of the sentiments expressed in this statement but examination of the material in the chronology and the legislation and Guidance and Regulations may be helpful to the Council in examination of the degree of their culpability in these matters.

The Council had at least once before been in the process of considering the closure of Chestnut Road. On 20 December 1994 a letter was received from the Children's Society which pointed out statutory duties for the local authority

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arising from section 22 of the Children Act 1989. Clearly a decision was taken at this time to continue with residential respite care.

The service continued over the years without the benefit of formal access criteria having been established by the Department and without the provision being inspected until 1997-8. This resulted in inequitable and in some cases inappropriate use of the service with some children being accommodated in the unit for over long periods.

Given the length of time that some children were receiving residential respite care an argument could be made that if the Council were not to be in breach of its duties at Regulation 13 of the Arrangements for Placements of Children (General) Regulations 1991 then those placements de facto involved the children 'being looked after' by the authority. That being the case the duty at section 22(4) of the Children Act 1989 is clear and

"Before making any decision with respect to a child whom they are looking after, or proposing to look after, a local authority shall, so far as is reasonably practicable, ascertain the wishes and feelings of (a) the child; (b) his parents; (c) any person who is not a parent of his but who has parental responsibility for him; and (d) any other person whose wishes and feelings the authority consider to be relevant regarding the matter to be decided."

Thus where a child's legal status was "looked after" or by virtue of length of stay in respite care de facto 'looked after' the matter of effective consultation was transformed from a matter of good practice to one of legislative necessity. The reviewers are not aware of the legal status of the children who received respite care at Chestnut Road and therefore the degree to which their observations on the relevance of section 22 must be judged accordingly.

Of more general relevance perhaps is paragraph 1.6 of The Children Act 1989 Guidance and Regulations Volume 6 Children with Disabilities² where the following guidance may be found in respect of all children with disabilities:

"Work with children with disabilities in the context of the Children Act should be based on the following principles:

- The welfare of the child should be safeguarded and promoted by those providing services;*
- A primary aim should be to promote access for all children to the same range of services*
- Children with disabilities are children first;*
- Recognition of the importance of parents and families in children's lives;*
- Partnership between parents and local authorities and other agencies and other agencies; and*
- The views of children and parents should be sought and taken into account*

² The guidance in this volume is issued under section 7 of the Local Authority Social Services Act 1970.

Irrespective therefore of the legal status of the children involved, i.e. whether they were children in need or children looked after, the local authority had a clear responsibility to consult on its proposed changes.

Consultation carried out

- 3.37 It appears from the chronology that the following consultation with service took place:

October 1998: Consultation Day meeting with families and children with disabilities at Clapham Park School, attended by the Mayor, following which a paper was drafted with proposals for the development of respite services. The reviewers were informed that options for the development of respite care services were discussed, including eligibility criteria, but not the option of closure.

13 April 1999: Letters were sent to 70 parents inviting them to a meeting at Chestnut Road regarding future plans. Twelve parents attended. Parents were provided with draft proposals for the future of respite services, including the closure of Chestnut Road as a residential provision. It appears that most parents present were particularly concerned about issues relating to staff and their individual access to respite care.

April 1999: Meeting of the Disability Focus Group, Respite Care Sub-Group considered a paper entitled Chestnut Road Respite Care Unit for Children with Disabilities to the Focus Group on Children with Disability, Subgroup Respite Care - Best Value Fundamental Service Review Process, cited as Appendix 1, which sets out the issues and proposals. It appears that although all 41 families using respite care at Chestnut Road were invited to this meeting, approximately 12 or 13 parents attended and that no written consultation took place. However, the paper considered dealt with the following issues:

- The selective nature of the service
- Lack of economic viability of the service,
- Critical incidents including the staff suspensions and allegations
- Proposals to provide a range of services in partnership with the voluntary sector.

The paper proposed:

- That services currently provided should be closed down as soon as possible and staff given the opportunity to obtain PRS packages.
- That provisional arrangements could be provided using the current acting manager and qualified agency staff.
- The development of a new, flexible service.
- The paper goes on to identify key service principles. The paper concludes as follows:

"Consultation In addition to the information from the Consultation Day, parent representatives at the Children with Disability Focus Group, its respite

care sub group, and at a meeting at Chestnut Road on 13th April were supportive of these proposals. It has to be acknowledged, however, that a significant number of those at the meeting at Chestnut Road objected to the proposals about publicising the service for fear of losing the amount of respite care they currently receive due to a greater demand. They found it difficult to accept that there are many parents who may prefer foster care or indeed home based respite and not necessarily residential. The transition from obtaining a service on demand to applying clearer eligibility criteria and widening the scope of what respite care service delivers will be a rocky path."

- 3.38 It appears from the information provided that written consultation did not take place, and that it is unlikely that an attempt was made to widely disseminate either the proposals for change or outcome of the meetings held through newsletters and a range of public and voluntary sector networks. The reviewers do not have information about the role of the Focus Group on Children with Disability, Subgroup Respite Care, in relation to the Authority's committee structure and decision making processes. Nor do they know what the administrative arrangements are for the support of the Group in terms of convening meetings and disseminating the outcomes. However, it does appear that the Group has a recognised role in the consultation process in respect of the provision of respite care for children with disabilities and if so, the reviewers consider that that the Council has an organisational responsibility to ensure that such groups are properly resourced and administered.
- 3.39 In examining the process of consultation which took place the reviewers formed the view that:
- The process of consultation was inadequate rather than non-existent, and that some steps were taken to engage parents although these appear to have been ineffective;
 - It is questionable how far there were attempts to consult with the children themselves;
 - The Guidance referred to above was not considered sufficiently;
 - The importance of the consultation process may have been lost in not unreasonable concerns relating to the staff group and budget deficits;
 - The parents may not have been adequately informed of the serious concerns relating to some staff, allegations of child abuse or of the findings of Inspection reports;
 - The involvement of a Unison representative at a meeting of parents was inappropriate;
 - The lack of criteria for access to the service operated by the Children with Disabilities Team led to inappropriate expectations on the part of parents;
 - The administrative management of some parts of the process was inadequate;
 - The reputation of the Authority may have been significantly damaged as a result of the ensuing publicity;
 - Relationships between parents and carers will have been damaged and will require remedial attention.

Overall the reviewers consider that the process of consultation represents a considerable failure in management.

Recommendation 4

It is recommended that the Social Services Directorate should, having regard to the guidance at paragraph 1.6 of The Children Act 1989 Guidance and Regulations Volume 6 and the reviewers' analysis:

- (i) Satisfy themselves that the Focus Group on Children with Disability, Subgroup Respite Care is adequately administered and resourced.*
- (ii) Develop a consultative procedure or protocol (in addition to its current arrangements) such as a newsletter for use in the event of any future proposed changes to service delivery to children and young people with respite care.*
- (iii) Consider what role, if any, employees' representatives should play in formal consultation between the authority and service users and their carers.*
- (iv) Instigate measures to rebuild, on a more professional footing, relationships between parents, carers and the service providers and assessors.*
- (v) Ensure that all managers with responsibilities for fulfilling the Authority's duty to consult are provided with guidelines as to the correct protocols and procedures.*

The Children with Disabilities Social Work Team (CWDT)

Introductory comments

- 3.40 The reviewers concluded the some of the difficulties experienced in the management arrangements for Chestnut Road were in part also connected to the policies and practices of this team. In what follows some relevant themes and issues are explored.

Relationships between CWDT and Chestnut Road

- 3.41 The team manager informed the reviewers that relationships between her team and the unit were generally good. While recognising that working relationships may have been friendly, the reviewers have found evidence of some difficulties:
- The Team Manger alleged that she was not made aware of any of the staffing 'difficulties' at Chestnut Road
 - The Team Manger alleged that she was not made aware of the proposals to change the use of Chestnut Road
 - Without placement criteria and in light of the budgetary difficulties disputes often occurred between commissioner and provider managers
 - The Service Manager alleged that the CWDT colluded with parents to undermine his attempts to change the service at Chestnut Road.

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- The Unit Manager had been instructed to take children on many occasions when she considered that it was not safe to do so
- The Unit Manager believed that "many children should not have been there, they did not like it but they were not listened to, some refused to eat and they cried"

In whatever new arrangements emerge for the commissioning of respite services it will be essential to ensure that working relationships between commissioner and provider are underpinned with policies, procedures and practices approved by the Directorate.

The commissioners of service should also operate quality control processes to ensure that respite care placements are appropriate. In relation to residential respite care the reviewers believe that it is essential that commissioners satisfy themselves of the quality of the potential placement through recourse to the Unit's previous Inspection reports which should be made available to them available to them on request. There is some evidence that the CWDT did not have access to/ see inspection reports.

Along with the introduction of new, agreed, eligibility criteria the reviewers also suggest that the Council will need to ensure that properly constructed budgetary control mechanisms are in place together with appropriate monitoring arrangements.

Criteria for respite care

- 3.42 In the interview held with the team manager the reviewer was told that no formal criteria existed to assess an individual's entitlement to service or to distribute available resources equitably. Similarly the Assistant Director (Adults) said that the levels of service offered when managed by the Adult Services Division were to some extent governed by the personal relationships between the Service Manager, other staff and the particular parent. This had not changed when the service was transferred to Children and Families. There is evidence of the Service Manager bringing this matter to the attention of both Assistant Directors for Children and Families, but it is not clear whether he or they were pro-active in tackling this highly inappropriate situation. The reviewers note that Lucas Sandberg Associates informed the Executive Director of Social Services (February 2000) that *"it also seems likely that parents have been allocated days on grounds other than strict social work criteria"*. Additionally in her Briefing Paper, 25.1.00 the Acting Assistant Director alludes to *"more affluent and vociferous parents continuing to be the main recipients of the service."* The effect that these practices have had on children with disabilities over the years is difficult to quantify but three examples cited by the Service Manager are very powerful. In one case he calculated that if the episodes of residential respite care were added to the time spent at residential school in any one year it would only be possible for the child to have been at home for 19 days in the year. In a second case a child who went to Chestnut Road for five days respite stayed for twenty months.
- 3.43 A third case cited was that of parents who at a consultation meeting said that they had not known about the service and so had not been able to access it. The reviewers suspect that this may not have represented an isolated case

example as they understand that until 1999 no register of children with a disability existed in the Borough.

In light of this it is difficult to see how potential services users could have been identified by the CWDT. This is not withstanding the reviewers' previous comments concerning the allocation practices of the team at that time.

- 3.44 The reviewers note that the establishment of criteria for this service now forms part of the work commissioned from LS Associates and that it was planned to commence a programme of reassessment of all service users and potential users before 1 April 2000. However, questions must remain as to why this situation was not dealt with much earlier by the relevant managers.

A question which is possibly related is why even after formal instructions were given to move a child from Chestnut Road on 10 February because his welfare could not be safeguarded by continued placement there, this did not occur until 15 February. It is possible, of course, that the availability of other resources may have played a part in this situation. If so, this in itself would validate the view that a range of respite provision is required to meet the variable needs of this user group.

- 3.45 It has not fallen within the brief of this review to take an over-view of inter-agency services for children and young people with disabilities, but the reviewers recognise that the availability and flexibility of one type of service can significantly affect the need for a family to access another. To this extent it is essential not only that the respite care provided forms part of a network of services, but also that the assessment process for access to respite and other services is co-ordinated between agencies. They note that LS Associates have identified the need for *"much better working links and clear protocols agreed with colleagues in education and in the health sector"*, and no doubt the issue of assessment protocols will be pursued within this context. It may nonetheless be prudent for the Executive Director of Social Services to satisfy herself that explicit criteria exist for access to all departmental services for children and young people with disabilities and that in practice these criteria are properly applied.

- 3.46 From all the papers seen by the reviewers it is clearly the intention of the Directorate to introduce a proper review process together with agreed eligibility criteria. However, on the basis of the information provided the reviewers caution that the expectations arising from patterns of use of Chestnut Road to which both the Briefing Paper, 25.1.00 and Lucas Sandberg allude may require careful handling. It is possible that the origins of such patterns lay in over familiarity and identification with carers and their problems on the part of the staff, perhaps having grown up over a number of years. If this is the case, in one sense such relationships betoken both commitment and care on the part of the staff members. However, they also run the risk of losing sight of the child's needs in order to meet those of the carer, or of the potential needs of others who do not currently access the services offered. Clearly social work must be practiced with objectivity as well as with care and commitment, and in the case of children it is their needs which must be seen as paramount.

Arrangements for Reviews

- 3.47 With regard to arrangements for the review of children with disabilities using Chestnut Road the team manager CWDT set out the following chronology;

1995 – No reviews, respite care posts did not exist
1996 – reviews completed
1997– No reviews, social worker (respite) on long term sick leave, decision made not to recruit to the vacant post
1998 – No reviews, two further social worker posts lost from team
1999 – Agency worker recruited reviews commence
1999 – Agency worker left, no reviews once more
2000 – Reviews begin again

By virtue of the length of stay at Chestnut Road of some children and their de facto legal status of 'looked after', the vulnerability and complexity of needs of this client group, and as a matter of good practice, the situation described above is clearly unsatisfactory. The reviewers ask whether senior managers were aware of the difficulties, and if so whether the situation was referred to members for their consideration.

- 3.48 It should be noted that the review process provides a means not only of enabling the needs of the child to be met, but also of monitoring the appropriateness of the provision. The reviewers consider that the lack of scrutiny through this route, the lack of inspection until 1997-8 and the unsatisfactory arrangements for Regulation 22 visits, are likely to have contributed to the drift in identifying and dealing with the difficulties at Chestnut Road which form the subject of this report.

Basis for the provision of respite care

- 3.49 This issue is in part discussed at paragraph 3.8. in terms of length of stay. In addition the reviewers draw attention here to paragraph 11.11 of the Children Act 1989 Guidance and Regulations Volume 6. This describes the basis on which local authorities should be arranging and providing respite care for children with disabilities:

"Respite care should be provided in the context of a package of care for families. Many children with disabilities are cared for away from home or usual placement on a short-term basis as part of a planned programme of respite care. Respite or short-term care for families with a child with disabilities has developed historically as an emergency service - frequently providing short-term care within a long-stay hospital or other institution in order to meet a family crisis. In the past decade there has been growing concern to provide more appropriate flexible short-term care which offers:

- *a local service, where the child can continue to attend school as if still living at home;*
- *Good quality child care in which parents have confidence and which ensures that the child is treated first as a child and then for any disability which may require special provision;*

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- *Planned availability. Research into different models of respite care has clearly indicated the importance of parents (and older child) choosing patterns of use and being able to use a service flexibly;*
- *A service which meets the needs of all children. Concern has been expressed about the lack of respite care for children with complex needs. The service should be available to children living with long-term foster carers or adoptive parents;*
- *Care compatible with the child's family background and culture, racial origin, religious persuasion and language;*
- *Age-appropriate care - so that young children and adolescents are given relevant care and occupation; and*
- *An integrated programme of family support which sees planned respite care as part of a wider range of professional support services to meet family needs. Escalating use of respite care may indicate a need for other family support services.*

From the information provided the reviewers' perception is that the type of respite care offered to families by the Authority fell far short of the above ideals. The Executive Director of Social Services will wish to ensure that the following principles underpin the provision of new respite services.

Recommendation 5

It is recommended that the Executive Director of Social Services:

- (i) Continues to develop specific and equitable criteria for access to respite care for children with disabilities through the Lucas Sandberg commission.*
- (ii) Satisfies herself that explicit criteria exist for access to all departmental services for children and young people with disabilities, that these are the subject of inter-agency consultation, and that these criteria are properly applied in practice*
- (iii) Ensures that properly constructed budgetary control mechanisms are made available together with appropriate monitoring arrangements to support any new commissioning arrangements for respite care*
- (iv) Ensures that new robust arrangements are put into place with regard to the reviews for children with disability.*
- (v) Ensures that the focus of the new arrangements for respite care are in line with paragraph 11.11 of the Children Act 1989 Guidance, Volume 6*
- (vi) Ensures that in future the practice of the Children with Disabilities Social Work Team is consistent with the requirement to regard the child's needs as paramount.*

Other Significant Management Issues

- 3.50 In these concluding paragraphs the reviewers consider miscellaneous issues that came to their attention during the course of the study;

The decision to transfer the service to the Children's Services Division

- 3.51 In discussion of the history of Chestnut Road and its previous management by the Adult Services Division it became clear that the unit was regarded more as a 'care home' than as a children's home. Consideration did not appear to have been given to the applicability of the Children Act 1989 and therefore that the service could be seen as provided by the Council under section 53 (1)(b) of the Children Act, would therefore be seen as a community home within the meaning of the Act and that the requirements of the Children's Home Regulations 1991 would thus apply to its operation. Given a possible ambiguity in law as to the unit's status, it is the view of the reviewers that the matter should have been resolved in a manner most likely to have secured the welfare of the children using the service which would undoubtedly involve the application of Children Act 1989 Guidance and Regulations. This would also have represented 'safe' practice.

Furthermore the reviewer obtained the impression that there was a period when Lambeth had seen learning disability as a syndrome, rather than as a disability with which a child had to cope, so that there would have been little emphasis on the wishes and feelings of the child. It appeared also that prior to 1997 the management style was likely to result in some favoured people getting a 'partnership of sorts' but others not getting anything. These remarks are of course pertinent to the above discussion of the need for eligibility children with disabilities social work team.

In light of this the inspection of the Chestnut Road service under the provisions of the Children Act 1989 and its transfer to the Children's Services Division would appear to have been reasonable and indeed prudent decisions, had it not been that the transfer was to follow a restructuring of management arrangements for the purposes of achieving budgetary savings. The chronology suggests that the restructuring had the effect of rendering the unit managers unable to meet the requirements of the Children's Homes Regulations. The reviewers are not clear as to whether elected members received legal advice from the Council's lawyers regarding their decision to reduce the budget allocation to Chestnut Road, or if such advice was sought, but they are firmly of the view that the decision was fundamentally flawed.

Legal Advice

- 3.51 It is not clear what formal policies exist within the Authority with regard to the seeking and receiving of legal advice. During the review, with one or two exceptions, there was little evidence of use of the Council's solicitors by the Social Services Division, although it is acknowledged that this does not mean to say that such advice was not sought. It appears from the chronology that a failure to obtain legal advice at the appropriate time may have been a factor in subsequent difficulties. It is recognised that there is a balance to be struck between the need to exercise professional responsibility in determining social services issues and the appropriate seeking of legal advice. Nevertheless it is suggested that these matters be the subject of further discussion within the corporate authority.

The performance of managers

- 3.52 With the attendant risk of reiteration and duplication the reviewers feel it necessary to refer again to the numerous incidents of failure to properly manage the decision making and implementation processes that characterise the events considered within this report. This does not mean to say that there is no evidence of many single incidents of appropriate action by individual managers. However, much of this action appears to have been dissipated by an overall lack of direction and organisation. The reviewers appreciate the pressure on staff and resources that is a crucial factor in providing social services within the inner city of London, and the special challenges faced by Lambeth. Nonetheless, given the history and regularity of reports such as this, the reviewers believe that the Council must identify the origins of what seems to amount to a malaise and find means to address it. This is particularly so in light of the new responsibilities falling on Councils as Corporate Parents and the setting of national quality standards through the Government's Quality Protects initiative.

Recommendation 6

It is recommended that the Executive Director of Social Services:

- (i) Ensures that all staff involved in the provision of respite care services, including residential respite care, are clear about the legal parameters of the provision and the specific regulations and guidance that apply.*
- (ii) Ensures for the future that service proposals are not only fully costed and consulted upon and the human resources issues identified, but that consideration is always given to the implications of the proposals for the Council's ability to meet its statutory duties and referred accordingly to elected members.*
- (iii) Reviews the provision of legal advice in respect of Social Services with the Borough Solicitor and satisfies herself that current policies and procedures are effective*
- (iv) Engages a management training and development agency with a view to auditing skill levels and devising remedial action to deal with unsatisfactory performance levels within the Division's managerial arrangements.*