

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## Cabinet

The meeting will be held at **7.00 pm** on **14 November 2018**

**Committee Rooms 2 & 3, Civic Offices, New Road, Grays, Essex, RM17 6SL**

### Membership:

Councillors Robert Gledhill (Chair), Shane Hebb (Deputy Chair), Gary Collins, Mark Coxshall, James Halden, Deborah Huelin, Barry Johnson, Susan Little and Aaron Watkins

### Agenda

Open to Public and Press

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#### **3 Items of Urgent Business**

To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.

#### **Queries regarding this Agenda or notification of apologies:**

Please contact Lucy Tricker, Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **6 November 2018**

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<b>DATE: 14 November 2018</b>	<b>ITEM: 3</b>
<b>Cabinet</b>	
<b>Title: Report on Outcome of Whistleblowing allegations – Children’s Services</b>	
<b>Wards and communities affected:</b> N/A	<b>Key Decision:</b> Non Key Decision
<b>Report of: Monitoring Officer</b>	
<b>Accountable Assistant Director: N/A</b>	
<b>Accountable Director: Chief Executive</b>	
<b>This report is Public</b>	
<b>Purpose of Report: To update Cabinet on the independent review of WB allegations</b>	

## 1. Executive Summary

- 1.1 The council has a well published Whistleblowing Policy and a commitment to confidentiality and protection of whistleblowers. Two anonymous and separate (although related) whistleblowing allegations were received by the Chief Executive relating to Children’s Services in January and September (dated August) 2018.
- 1.2 All whistleblowing allegations received by Thurrock Council are fully investigated in line with the agreed procedure regardless of whether or not they are anonymous or from a named individual.
- 1.3 As well as a full review into the January WB allegations by the Monitoring Officer, an independent barrister with specialist expertise in children’s safeguarding was appointed to undertake a full investigation into the September WB allegations.
- 1.4 Ofsted completed a two-day focussed visit to the Council in September 2018 on Children in Need and Child Protection, the outcomes of the inspection were published by Ofsted on 4 October 2018 and demonstrated a positive direction of travel for the service.
- 1.5 In addition, Ofsted have been kept fully informed of the detailed methodologies to review both WB allegations and had indicated they were content with the process. This report will also be made available to Ofsted.

1.6 The report by the independent safeguarding barrister into the claims in the WB allegations have found to be unsubstantiated.

## **2. Recommendation(s)**

**2.1 Cabinet note the report that the whistleblowing allegations received in January and September 2018 have been fully and independently investigated by a specialist children's safeguarding barrister with the allegations found to be unsubstantiated and note the learning outcomes and recommendations from the process to continue to improve Children' Services.**

## **3. Introduction and Background**

### 3.1 Anonymous Whistleblowing letter of January 2018

3.1.1 An anonymous letter dated 14 January 2018 and addressed to the Chief Executive of the Authority was received by said officer raising concerns about a number of officers within Children's Services. This letter was discussed the same day with the Monitoring Officer, Head of Law & Governance and Director of HR, OD and Transformation.

3.1.2 The allegations relating to recruitment process, competence and references were checked thoroughly by HR reviewing processes and were reported to the MO.

3.1.3 In relation to allegations concerning performance of the service, a review was undertaken by the MO which included and cross referenced: Ofsted Report Single Inspection of Local Authority Children Services & Review of LSCB February 2016; Ofsted Development Plan update reports October 2017 and March 2018 as well as minutes of Children's Overview and Scrutiny Committee; self-assessment reports by the service; independent/external review and/or assessments.

3.1.4 The MO completed an assessment report in April 2018 which found the allegations to be unsubstantiated.

### 3.2 Anonymous Whistleblowing received 4 September 2018 (dated August 2018)

3.2.1 The Chief Executive received a second anonymous whistleblowing letter which was discussed and shared with the Monitoring Officer and Director of HR, OD and Transformation on the evening of 4 September 2018, the day of receipt of the letter.

3.2.2 Following discussion of the content of this second letter, some of which was similar to the letter received in January 2018, it was agreed that both letters should be referred for completeness to an external and independent safeguarding expert. This decision was taken on 5 September 2018.

- 3.2.3 After initial enquiries of the Local Government Association, Public Concern at Work and acknowledged experts, it was agreed to instruct an independent senior safeguarding barrister to assess the case specific allegations and to provide the MO with legal opinion on whether there is any evidence which would substantiate said allegations. It was also confirmed to independent counsel that there would be full access to any relevant documents that would assist the enquiry including Children's Social Care records and correspondence.
- 3.2.4 It was further drawn to the attention of the independent barrister that Ofsted had completed a positive two-day focussed visit in September 2018 and published their letter on 4 October 2018 in relation to their review of Children in Need and Child Protection. The barrister was also made aware that Ofsted were being kept fully informed of the methodologies for the independent investigation and had indicated that they were content with the process.
- 3.2.5 It was agreed that the general and HR related allegations would be reviewed in detail by HR. The findings are that there are no indications of issues within this service area. This conclusion was reached by reviewing and comparing staff turnover, the detailed responses from the recent staff survey, use of consultants as well as overall HR activity in the service with all other directorates in the council.
- 3.2.6 In summary, there is no indication of a service experiencing difficulties, the feedback from Ofsted in their letter dated 4 October 2018 supports this view with particular reference to the comments made by all officers interviewed during the Inspection.
- 3.2.7 The independent safeguarding barrister completed her investigation of the case specific allegations on 2 November 2018 giving a presentation of her findings to the officers who had commissioned the work. The investigation was robust over a two month period and included full access to all documents, case files and email correspondence relating to the issues identified in the whistleblowing allegations. Access was provided to any documents, minutes of meetings, file notes etc. that were requested by the independent safeguarding barrister.
- 3.2.8 The findings of the review into the whistleblowing letters stated clearly by the independent barrister are that the case specific allegations which she fully investigated were unsubstantiated.

#### 4 Learning outcomes and recommendations to continue to improve Children's Social Care

- 4.1 In every detailed review of any service area, it is good practice and appropriate to reflect on broader learning that will ensure the service continues to improve, there are learning outcomes and recommendations on improved practices many of which can be captured in the work currently being undertaken in the transition to Working Together 2018.

4.2 Feedback received from the independent safeguarding barrister will be taken forward as part of the ongoing service action plan which focuses on the continuous improvement of children's social care with the council's partners.

4.3 Recommendations include:

- Review of communication approaches and delivery to ensure they are effective in continuing to promote good outcomes for children.
- Explore if there is enough clarity within the current processes and those to be implemented to capture and disseminate learning both on a single agency and multi-agency basis.
- Ensure that the criteria for a Serious Case Review or a Local Child Safeguarding Practice Review are widely understood.
- Explore whether the procedures and processes for record keeping are operating effectively in relation to access to records, timeliness of updating the system and inputting information into LCS.

## **5. Reasons for Recommendation**

5.1 Thurrock Council welcomes and is committed to robust whistleblowing processes, it is an essential part of a culture of openness and integrity.

5.2 In line with that commitment this report has been brought to ensure appropriate public reporting and transparency of the whistleblowing allegations, the nature of the internal and external investigations and the learning outcomes and recommendations made by the independent safeguarding barrister, whilst always respecting the need to protect whistleblowers and the sensitive personal information of services users.

## **6. Consultation (including Overview and Scrutiny, if applicable)**

6.1 N/A

## **7. Impact on corporate policies, priorities, performance and community impact**

7.1 N/A

## **8. Implications**

### **8.1 Financial**

N/A

### **8.2 Legal**

Implications verified by: David M G Lawson

**8.3 Diversity and Equality**

Implications verified by: N/A

**8.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

8.4.1 None specific

**9. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright): - None

**10. Appendices to the report**

10.1 N/A

**Report Author:**

**David M G Lawson, Solicitor**

**Assistant Director of Law & Governance and Monitoring Officer**

