

CABINET – 2 FEBRUARY 2012

272 INDEPENDENT REVIEW OF CLAIMS MADE BY MARTIN MORTON (AND OTHERS) – ACTION PLAN

The Chief Executive told the Cabinet that when the Anna Klonowski Associates (AKA) report into Corporate Governance had been published he had made a public statement that he believed that the report's findings represented the most significant challenge that this Council faced. At the same time he had stated that he fully accepted the findings of the AKA report and apologised to anyone who had been affected. He had also said that he was putting on record his personal pledge that he would take responsibility for ensuring that the improvements needed in corporate governance were made.

The AKA report detailed, at Appendix 1, the Council's Action Plan that would take forward the recommendations made in the Anna Klonowski and Martin Smith reports which were presented to the last Cabinet meeting.

Councillor S Foulkes asked the Chief Executive to clarify if the AKA report had highlighted any shortcomings in respect of Members.

The Chief Executive reported that the AKA report did not criticise any individual Member, it identified officer failings and as the Head of Paid Service he put on record again that he took full responsibility for ensuring that all of the recommendations within the report before the Cabinet were effectively implemented. He stated that he would ensure that all Council officers in the future deliver in the manner in which both the Members and residents of Wirral expect and deserve.

Councillor S Foulkes asked for an explanation of why the AKA report had been redacted. The AKA report had been circulated in redacted form and the Council had been criticised for that. He asked the Head of Legal and Member Services to explain why the decision had been taken to redact the AKA report.

The Head of Legal and Member Services informed that the AKA report had been circulated in redacted form as issues against individuals had been raised in it which needed to be followed through. It was inappropriate to make names public whilst due process was being followed.

Councillor S Foulkes told the meeting that he would raise the matter of the redacted AKA report at the Improvement Board meeting which was scheduled for the following evening. Councillor S Foulkes also informed that, the last time he had asked, the cost of the AKA report had reached £250,000. He asked if there were any further updates on the costs.

The Deputy Chief Executive and Director of Finance informed that the cost of the AKA report costs were within the current approval limit but that DLA Piper UK was now in excess of Council approval because of the right to reply process as there were a number of costs and issues involved. He told the Cabinet that he would provide a report on this to a future meeting.

Councillor S Foulkes made reference to the alleged incidents of abuse, rape and an incident with a baseball bat which were in the public domain and that statements had been made in the AKA report without collaboration. These were being raised to a more serious level.

The Director of Adult Social Services informed that he was working very closely with the Police to establish date, time and people involved in respect of the safeguarding issues highlighted in the AKA report. Those people who had made allegations to Anna Klonowski would be interviewed and it would be agreed with the Police what actions to take if any. Councillor A McArdle informed that if there were any cases to answer the Police would take them forward. The Council was taking lead responsibility and if there was any clear criminal offence that had not been investigated the Police would do so.

Councillor AER Jones asked if the date on which the Council had actually learnt of these allegations was known and why nothing had been done at that time. The Chief Executive informed that officers would have known when they received the draft AKA report. He agreed to provide Members with that date. Councillor S Foulkes informed that he would have expected the Director to have been notified and to have taken action at the time when Anna Klonowski had been told about these issues. He would be seeking clarification on these points.

Councillor S Foulkes told the Cabinet that the action plan was not perfect and that it would be subject to external scrutiny. The intention was to also submit the Highways and Engineering Services Procurement Exercise (HESPE) report to the Improvement Board. He was willing to take on any recommendations from the Improvement Board. He considered it appropriate for the Chair of the Improvement Board not to be a Member of Wirral Council and Gill Taylor of the Local Government Association had agreed to take the Chair at the beginning of the first meeting. There would be a debate around the Board's draft Terms of Reference and whether its meetings were held in the presence of the press and public or in private.

Councillor Foulkes reiterated that the Council had a critical analysis of its Corporate Governance and that he would take some responsibility. However, his personal integrity was being challenged on a number of points. He had received advice as had other Members who sat on the Audit and Governance Committee, a number of Members had been involved as had three Directors of Adult Social Services and the previous Chief Executive. Since receiving the reports he had put serious efforts and time in to make progress. He had met with all of the staff and told them in front of their managers that the Council would be more open to whistle blowing and that he saw this as a driver to use to bring about improvement. He knew that the organisation needed to change and be more open and transparent. The meetings he had held with the staff had been well received and there had been some good feed back from these sessions. He had been careful to stick to the recommendations in the AKA report and had not deviated from them or the advice given. In fact he had been absolute and almost bible like in sticking to the recommendations in the AKA report. Some progress

had been made and he had told members of staff that the Council would be more open to criticism.

Councillor S Foulkes also told the Cabinet that he was aware that Ester McVey MP had asked the Prime Minister to look into the recent shocking report into allegations of overcharging of vulnerable adults on the Wirral and also claims of violence and intimidation. He informed that he was happy to speak to David Cameron about the issues raised and meet with him if necessary. The Cabinet was doing everything it could to bring about improvement and if it was not enough he was willing to take on board any further recommendations.

RESOLVED: That

- (1) the Action Plan set out in Appendix 1 to the report be agreed and referred to the Special Council meeting scheduled for 13 February 2012;**
- (2) the establishment of an Improvement Board with initial draft terms of reference and membership, as detailed in Appendix 2, with the additions of:
 - (a) Monitoring delivery of the Action Plan; and**
 - (b) Consideration of the Final Report and the District Auditor's report relating to HESPE;**
be approved;**
- (3) the first meeting of the Improvement Board be held at 5pm on Friday, 3 February 2012; and that at that meeting the Board be invited to approve its own final terms of terms of reference;**
- (4) in view of this timescale, call-in be waived in respect of (2) and (3) above.**