

HEALTH AND WELL BEING OVERVIEW AND SCRUTINY COMMITTEE

Monday, 6 February 2012

<u>Present:</u>	Councillor	P Glasman (Chair)	
	Councillors	A Bridson S Clarke P Doughty M Hornby	C Povall D Roberts J Walsh
<u>Deputies:</u>	Councillors	A Brighthouse (in place of P Williams) S Mountney (in place of G Watt)	
<u>Co-optees:</u>		S Wagener (Carers) S Wall (OPP)	
<u>Apologies:</u>		S Lowe (Service users under OPP age group) S Saagar (BME)	

52 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST (INCLUDING PARTY WHIP DECLARATIONS)

No declarations of interest were received.

53 ANNA KLONOWSKI ASSOCIATES LTD (AKA) REPORT - INDEPENDENT REVIEW OF THE COUNCIL'S RESPONSE TO CLAIMS MADE BY MARTIN MORTON (AND OTHERS)

Each Member of the Committee received a copy of the Recommendations Action List following Anna Klonowski's (AKA Ltd) Final Report. A written resolution provided by the Chair was also circulated.

A short adjournment was requested so that Members could read the documentation supplied and discuss it in their Political Groups.

54 ADJOURNMENT

The Chair adjourned the meeting at 5.15pm to give Members the opportunity to consider the documentation they had just received.

The meeting resumed at 5.30pm.

FURTHER CONSIDERATION OF ANNA KLONOWSKI ASSOCIATES LTD (AKA) REPORT - INDEPENDENT REVIEW OF THE COUNCIL'S RESPONSE TO CLAIMS MADE BY MARTIN MORTON (AND OTHERS)

Councillor P Glasman, in her capacity as Chair, and with the agreement of the Committee, read out the following resolution:

'This Committee recognises the seriousness of the issues raised within the Anna Klonowski report.

Committee welcomes the Action Plan put forward by the Cabinet to tackle these issues, which incorporates the recommendations made by the author of the report.

It further welcomes the fact that the Council has formally apologised to Mr Martin Morton, and that there is an ongoing review into the Council's whistle blowing and bullying and harassment policies.

Committee recognises that the Chief Executive has already asked the Director of Adult Social Services, supported by the Head of Safeguarding, to urgently review the Final report for any further safeguarding issues that need to be addressed, and that Cabinet has already asked them to consider whether any historic safeguarding failures should be referred to the police or any other regulatory body..

Committee therefore asks the Director of Adult Social Services to provide a verbal report to the committee on these issues at this point, followed by a written report to a subsequent committee.

Committee notes that a series of measures have already been taken to strengthen safeguarding, and seeks assurance from the Director that these measures will be sufficient to ensure that the serious failures detailed in the AKA report cannot be repeated in the future.

Committee welcomes the setting up of Improvement Board, with an independent chair, three party membership and members from the LGA, an external Chief Executive, Ms Klonowski and the District Auditor to oversee improvements and the implementation of best practice in the Council, and to monitor the implementation of the Action Plan on the AKA report.

Committee further notes the work that has been done with the Care Quality Commission on improvements within Adult Social Services, and the Peer Evaluation which demonstrated that good progress was being made in Adult Social Services.

Committee believes that vital lessons have to be learnt from mistakes that have been made in the past, but believes that it is important to move forward at this point, with a new Director, and for members of all parties to work together with officers and other agencies on Wirral to create the best possible Adult Social Services in Wirral.'

Some Members raised concerns about not receiving a copy of the Action Plan in advance of the meeting and therefore, not having enough time to look at it in detail before being expected to discuss it. They considered that, although it appeared grand and laudable, it was designed to bypass the scrutiny process and, they were unhappy about that.

The Chair informed that the Action List had, in fact, been published on the Council's website with the Cabinet agenda well over a week ago.

Some Members made the point that as it had taken four years to get to this stage of the enquiry. They reported that members of the public were asking for those who had behaved inappropriately to be named and shamed. The AKA report had been redacted, and without names, it was impossible for the Committee to hold the wrong doers to account. They considered that a very serious matter was being "swept under the carpet" and that the Council was unable to move on until Members knew exactly who was responsible. It was also considered that the alleged serious incidents detailed in the report could result in prosecutions in the future.

Attention was drawn to references that had been made in the AKA report to alleged abuse, rape and people turning up on a door step with a baseball bat. Some Members were of the opinion that these alleged incidents should to be investigated publicly and those identified as being responsible should be held to account. They considered that this was something that should not be ignored. They informed that, by putting this resolution forward, it appeared that other Members of the Committee were ready to move on. Some Members indicated that they wanted answers and to know who was responsible for one of the most serious issues to happen in the Council for many years.

The Chair was asked who had drawn up the resolution, whether it was her or someone else.

Some Members informed that they were keen to see the scrutiny process follow its proper course.

This minute was subsequently amended by the Committee on 12 March (minute 58 refers) by the correction of the following sentence to read:

It was noted that the Overview and Scrutiny Committee did not know about the inspection at Kent House.

The Director of Adult Social Services informed that all officers had a clear responsibility to the people they served and that they all had a legal and professional duty in that regard.

The Director of Law, HR and Asset Management advised that following a previous meeting of the Committee, he had been informed that there had been requests made by a number of Members to receive a non-anonymised copy of the Anna Klonowski's Final Report. The Director had relayed these requests to Anna Klonowski's lawyers and had subsequently received a response from them making the point that people had voluntarily participated in the investigation on the understanding that they would remain anonymous. He also told the meeting that

senior Council officers, who had taken part in the investigation, in his view, should be named.

The Director of Law, HR and Asset Management confirmed that the Council did not have a non-anonymised copy of the report in its possession. However, there had been a list of names supplied with the draft report which had been made available to a small number of Members and officers.

Some Members expressed surprise that other Members did not want to comply with the way forward suggested by the person (Anna Klonowski) who had put the report together. However, in response, other Members considered that the principle was that people of Wirral and those who had suffered great injustice should now have all of the detail out in the open. They considered not to do so would make the situation deplorable.

Some Members made the point that the Council had been criticised over its corporate governance and that a copy of the Action Plan should have been sent to every Member of the Council and, that it was not enough to say, it was available on the internet if Members wanted to read it.

Reference was made to the fact that the report had been commissioned by the Council and paid for by Wirral tax payers. The Director of Law, HR and Asset Management agreed that the report had been financed by tax payers but informed that assurances had been made by AKA that people's names would not appear in the report. The people concerned had taken part in a voluntarily process and assurances had been given to them that they would remain anonymous. Therefore, there was a legal and moral obligation to respect this. The Director was seeking clarification, through lawyers, and he informed that he was working towards this goal but that there might well be resulting legal consequences.

Councillor C Povall moved the following Motion which was seconded by Councillor S Clarke:

Committee resolves that due consideration and proper scrutiny of the AKA Ltd Final Report is vitally important, but that this cannot take place without all the facts.

Committee believes that, in the interests of transparency and in order to give the issues set out in the report the detailed scrutiny they require, elected Members must have access to a non-anonymised version of the AKA Ltd report.

Therefore, Committee agrees that this special meeting be deferred to a future date, to be agreed by the Chair, in consultation with Group Spokespersons.

Some Members, again, reiterated that it was in the best interests of residents and, particularly, the most vulnerable residents, for the Committee to look at the AKA report in detail and to be given the names and, particularly, officers' names. They were of the view that people of Wirral wanted to know that improvements were being made.

Councillor J Green, who was in attendance at the meeting, referred to a letter he had received from AKA Ltd which stated that it was outside its scope to respond to requests from third parties but that if the Council wanted to put information into the public domain that was for it to decide.

The Director of Law, HR and Asset Management informed that it was important to understand the consequences that would flow from unanonymising the report and that he was trying to obtain a full response from Anna Klonowski's lawyers on the assurances that had been given.

The Chair asked the Director of Adult Social Services to provide an oral update on safeguarding and the historic safeguarding failures. He proceeded to do so reporting on safeguarding concerns around individuals identified in the AKA report and improvements that had been made in the last year or so. He then asked the Head of Safeguarding to address the Committee.

Councillor S Mountney rose on a point of order. He asked if the Motion that had been moved and seconded could be voted on at this point. The Director of Law, HR and Asset Management informed that it was a matter for the Chair how she managed the meeting and who was invited to speak but it was possible to move a procedural Motion (without debate) that the vote be now put.

Councillor S Mountney moved the following procedural Motion which was seconded by Councillor C Povall:

That the vote be now put.

RESOLVED: (6:4)

That the vote be now put.

The substantive Motion was moved.

RESOLVED: (6:4)

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56 **POLICE INVESTIGATIONS**

The Head of Safeguarding provided the Committee with a brief oral report on interviews being held with those who had raised concerns (referred to on Page 94 of the AKA report) and on the Police's involvement. The Committee was informed that the names had been obtained from Anna Klonowski via the Director of Law, HR and

Asset Management. A further report would be presented to the Committee when more details became available.

The Committee was aware that the redacted report had been provided for officers in September 2012. Members asked when it had been decided to involve the Police. The Director of Law, HR and Asset Management confirmed that the Police had been contacted after the final AKA report was received.

The Director of Adult Social Services reported that there was no service provider named in the report who currently had a contract with the Council.