



Council

Town Hall
Wallasey

17 February, 2012

Dear Councillor

Following adjournment on 13 February, you are hereby summoned to attend a reconvened extraordinary meeting of the Council, to be held at **7.00 pm on Monday, 20 February 2012** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine upon the following subject:

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AGENDA

1. DECLARATIONS OF INTEREST

The members of the Council are invited to consider whether they have a personal or prejudicial interest in connection with any matter to be debated or determined at this meeting and, if so, to declare it and state the nature of such interest.

2. MAYOR'S COMMUNICATIONS

To receive the Mayor's announcements and any apologies for absence.

3. ANNA KLONOWSKI ASSOCIATES LTD (AKA) - INDEPENDENT REVIEW OF THE COUNCIL'S RESPONSE TO CLAIMS MADE BY MARTIN MORTON (AND OTHERS) (Pages 1 - 12)

The Action Plan considered by Cabinet at its meeting on 2 February (minute 272 refers) and at which it was resolved to refer it to this extraordinary meeting, is attached.

A handwritten signature in black ink, appearing to be "B. Mossop".

Director of Law, HR and Asset Management

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AKA Report and Martin Smith Report - Recommendations Action Plan

Recommendation	Action	By when? (end of month)	Lead Officer
Part A: Recommendations from the AKA Report			
<p>1. The consultant believes that, in recognising the importance of the Executive Leadership function of Cabinet, Leading Member's should form a Cabinet committee to be charged with delivering a fundamental review of corporate governance, developing and monitoring the implementation of an improvement plan to radically upgrade Wirral's corporate governance arrangements (in practice), addressing the cultural issues outlined in the conclusions and developing compliance as a matter of urgency. The Cabinet committee should review:</p> <p>A. The adequacy of the reports presented to Members.</p> <p>B. The appraisal framework, starting with the appraisal of the Chief Executive and Chief Officers.</p> <p>C. The performance reporting and management arrangements.</p> <p>D. The policy unit and the adequacy of horizon scanning processes.</p> <p>The above is not proposed as an exhaustive list, rather as a "starter for ten". See also the supplementary report on corporate governance.</p>	<ul style="list-style-type: none"> • Establish Corporate Governance Cabinet Committee. • Agree Key Lines of Enquiry (KLoEs). • Review the adequacy of the reports presented to Members. • Review the appraisal framework, starting with the appraisal of the Chief Executive and Chief Officers. • Review the performance reporting and management arrangements. • Review the policy unit and the adequacy of horizon scanning processes. • Conclude all other KLoEs agreed by the Corporate Governance Cabinet Committee. 	<p>Completed</p> <p>Completed</p> <p>April 2012</p> <p>April 2012</p> <p>April 2012</p> <p>April 2012</p> <p>April 2012</p>	<p>Ian Coleman, Deputy Chief Executive/ Director of Finance</p>

<p>2. In dealing with the issues identified in this report and those in the supplementary report on Corporate Governance the officers will require the support of all Members regardless of political persuasion together with their Political leadership of the governance of this improvement process.</p>	<ul style="list-style-type: none"> • Deliver a series of corporate governance Member training sessions. • Establish a revised Members' Training Programme. 	<p>April 2012 Commencing June 2012</p>	<p>Jim Wilkie, Chief Executive</p>
<p>3. In accordance with the findings in Miscellaneous 8's report in relation to claims of Bullying and Harassment and her overarching conclusions, the Chief Executive supported by the Director of Law, HR and Asset Management must ensure that the weaknesses in the Council's understanding of whistle-blowing together with enabling processes and procedures are robust, widely understood and implemented effectively.</p>	<p>See Recommendations 33, 34 and 36.</p>	<p>See Recommendations 33, 34 and 36</p>	<p>Jim Wilkie, Chief Executive supported by Bill Norman, Director of Law, HR and Asset Management</p>
<p>4. The Director of Law, HR and Asset Management report to the Cabinet subcommittee with his proposals in relation to the improvement of the Legal and Committee Services Teams in the light of the conclusions set out in paragraph 7 above.</p>	<ul style="list-style-type: none"> • Report to Corporate Governance Cabinet Committee with proposals for the improvement of Legal Services and Committee Services. 	<p>April 2012</p>	<p>Bill Norman, Director of Law, HR and Asset Management</p>
<p>5. The Council should give serious consideration to the creation of a Corporate Governance Team as outlined in paragraph 6.7.3. This should provide a corporate project management resource to the required improvement programme. This team should also be charged with working with the Cabinet in investigating how the deficiencies in culture and appreciation of understanding what its normal and acceptable performance and the factors that sustain this.</p>	<ul style="list-style-type: none"> • Report to Corporate Governance Cabinet Committee with options for the creation of a Corporate Governance Team. 	<p>April 2012</p>	<p>Ian Coleman, Deputy Chief Executive/ Director of Finance</p>

<p>6. The Cabinet should review the ongoing and separate nature of both the Policy and Performance functions giving consideration to its form and structure determining how the horizon scanning and other weaknesses highlighted in this report will be addressed.</p>	<ul style="list-style-type: none"> • Agree KLoE 1 (Alignment of Corporate Planning and Budget Process); KLoE 5 (Review of Policy) and KLoE 7 (Review of Performance). • Report to Corporate Governance Cabinet Committee. 	<p>Completed April 2012</p>	<p>Jim Wilkie, Chief Executive</p>
<p>7. The Director of Finance should report to the Cabinet committee with his proposals in relation to the improvement of Internal Audit in the light of the external review that is currently being commissioned and the findings, conclusions and recommendations set out in this report.</p>	<ul style="list-style-type: none"> • Agree KLoE 4 (Review of Internal Audit). • Report to Corporate Governance Cabinet Committee. 	<p>Completed April 2012</p>	<p>Ian Coleman, Deputy Chief Executive/ Director of Finance</p>
<p>8. That the Council's Finance Director leads and quality assures (with dedicated support from legal services) a corporate review of the various charging regimes in place in all of the Council's departments, making recommendations for improvements for which each Chief Officer will be held accountable for delivering, implementing and maintaining improved working practices.</p>	<ul style="list-style-type: none"> • Agree KLoE 9 (Review of fees and charges). • Report to Cabinet. 	<p>Completed February 2012</p>	<p>Ian Coleman, Deputy Chief Executive/ Director of Finance</p>
<p>9. The Officers consider and report to a future Cabinet meeting, during Spring 2012, the proposed way forward relating to other charging issues outlined in paragraph 6.2.14 and Appendix 4 to Annex A.</p>	<ul style="list-style-type: none"> • Review the other charging issues referred to by AKA and report findings to Cabinet. 	<p>April 2012</p>	<p>Ian Coleman, Deputy Chief Executive/Director of Finance</p>
<p>10. The Council favourably reconsiders the effective date for the calculation of the reimbursements for those service users who had lived in the 3 West Wirral properties and their surviving relatives. The context of the "benefits trap" also needs to be considered as part of this process.</p>	<ul style="list-style-type: none"> • Clarify impact of the 'benefits trap' • Report outcome and options to Cabinet 	<p>February 2012 April 2012</p>	<p>Graham Hodgkinson, Director of Adult Social Services supported by Deputy Chief Executive/ Director of Finance and Director of Law, HR and Asset Management</p>

<p>11. The Council favourably reconsiders the calculation of the reimbursement for the lack of interest. Again this must be considered in the context of the benefits trap.</p>	<ul style="list-style-type: none"> • Clarify impact of the 'benefits trap'. • Report outcome and options to Cabinet. 	<p>February 2012 April 2012</p>	<p>Graham Hodgkinson, Director of Adult Social Services supported by Deputy Chief Executive/ Director of Finance and Director of Law, HR and Asset Management</p>
<p>12. The outcome of complaint 3's stage 3 complaint should be reviewed in the light of the context of the events precipitating Service User 2's need to relocate and in the consultant's view this should lead to DASS honouring the commitment to pay the top-up payment</p>	<ul style="list-style-type: none"> • Identify person. • Review evidence. • Resolve outstanding issues. 	<p>March 2012</p>	<p>Caroline McKenna, Safeguarding</p>
<p>13. The role of the Audit and Risk Management Committee, must continue to be an important element of the Councils improved governance arrangements going forward with, perhaps, the Cabinet seeking the Chair of the Committee to report formally on a half yearly basis to present findings and raise concerns.</p>	<ul style="list-style-type: none"> • Cabinet to approve procedure. • Chair of Audit and Risk management to report to Cabinet. 	<p>March 2012 April 2012</p>	<p>Ian Coleman, Deputy Chief Executive/ Director of Finance</p>
<p>14. Whilst recognising that progress has been made in records management since its consolidation under the Director of Finance, there is scope for further improvement. The Director of Finance should be required to report to the Cabinet the performance of each of the Council's departments in this area, which would include as a minimum: A. The length of time taken for each department to respond to a Freedom of Information request (measuring the date the FoI request was received and the date the response was sent) B. The number of the issues/follow-up requests raised C. The number of Information Commissioner concerns raised and/or interventions</p>	<ul style="list-style-type: none"> • Report to Cabinet. 	<p>April 2012</p>	<p>Ian Coleman, Deputy Chief Executive/ Director of Finance</p>

<p>15. The quality of inputs to and outcomes from Adult Protection strategy meeting should be kept under close review, with a particular emphasis on at least the following questions at each meeting:</p> <p>A. What has changed for the better for the vulnerable adult?</p> <p>B. Why did the change not occur sooner?</p> <p>C. What is the pathway (or project plan) for resolving this referral?</p> <p>D. Who is responsible for each action?</p> <p>E. Who is taking overall responsibility for the case and will be held accountable for the quality and timeliness of both the review and its resolution?</p>	<ul style="list-style-type: none"> • Review process against recommendations. • Revise the process in line with Best Practice. • Improve reporting and recording of strategy meetings. • Overview report to DASS and Safeguarding Board (input and outcomes). 	April 2012	Caroline McKenna, Safeguarding
<p>16. Details of Adult Protection concerns raised must be logged centrally with a close monitoring of the inputs, outputs and outcomes recorded in detail such that the Director can report in an open and transparent way Leading Members monthly and the Health and Social Care Select Committee on a quarterly basis.</p>	<ul style="list-style-type: none"> • Currently recorded into CADT system - single point of entry. • Overview report to DASS and safeguarding Board (input and outcomes). 	Completed April 2012	Caroline McKenna, Safeguarding
<p>17. Opportunities for the improvements in the CCA and review process should be considered and proposals for improvement reported via the Cabinet Portfolio holder during the Spring of 2012.</p>	<ul style="list-style-type: none"> • Personalisation process to be reviewed and evaluated. Report to Cabinet May/June. 	May 2012	Chris Beyga, Personal Support
<p>18. The effectiveness of the actions put in place since the CQC report in relation to Adult Protection (now Safeguarding) should inform the above, but must be based upon quantitative and qualitative analysis contained within a formal report to Members before the peer review in the Autumn.</p>	<ul style="list-style-type: none"> • Completed November 2011. Local Account out of review. 	Completed	Graham Hodkinson, Director of Adult Social Services

<p>19. The Director of Adult Social Care should continue to ensure that there is a shared understanding of the risks and issues facing DASS, at Member and Corporate Management team levels, together with the proposed mitigating action(s). This should be undertaken both formally and informally.</p>	<ul style="list-style-type: none"> • Risk Register in place and appropriately reported. • Cabinet Member inclusion at Performance SLT + monthly discussion. 	February 2012	Graham Hodkinson, Director of Adult Social Services
<p>20. DASS needs to improve its early engagement activities with the HB Team to ensure future Supported Living proposals and the providing agencies are clear as to the likely benefits payable.</p>	<ul style="list-style-type: none"> • Project to formalise closer working relationships underway. • Pathway clarified. 	April 2012	Chris Beyga, Personal Support
<p>21. Corporate working needs to be further developed but, clarity of objectives, the parameters within which the team can operate and accountabilities needs to be clearly communicated at the outset. This should be the responsibility of the Chief Executive and each member of the Chief Officer Management Team.</p>	<ul style="list-style-type: none"> • Develop programme of activities. • Deliver programme. 	February 2012 December 2012	Jim Wilkie, Chief Executive (supported by all Chief Officers)
<p>22. DASS should ensure that the planned use of a “peer review” to check, challenge/verify the improvements and achievements of the department is seen as a means by which regular external progress assessments can be undertaken and that the Cabinet portfolio holder is engaged in the discussions with those undertaking the review(s).</p>	<ul style="list-style-type: none"> • First stage – undertake Peer Challenge. (Feedback formally reported to Cabinet on 09.12.11, and 12.01.12). • Corporate review to be mapped. 	Completed April 2012	Graham Hodkinson, Director of Adult Social Services
<p>23. Legal Services needs to provide clearer and more definitive advice as to the “tests” to be applied by DASS and HB for the purposes of distinguishing between residential and Supported Living establishments.</p>	<ul style="list-style-type: none"> • Legal Services to advise DASS. 	February 2012	Bill Norman, Director of Law, HR and Asset Management

<p>24. The Director of Adult Social Services to review the resources allocated to safeguarding and contract monitoring, reporting back to Members at Cabinet or the Cabinet Subcommittee within 6 weeks of the publication of this report.</p>	<ul style="list-style-type: none"> Employed: - 5 Quality Assurance Officers 3 Safeguarding Officers 4½ Social Workers 3½ Advanced practitioners 	Completed	Graham Hodgkinson, Director of Adult Social Services
<p>25. The Council apologises to Mr Morton in writing for the errors in making the payment as a result of him signing his Compromise Agreement. This is long overdue. The Director of Law, HR and Asset Management has agreed to undertake this task.</p>	<ul style="list-style-type: none"> Director of Law, HR and Asset Management to write to Mr Morton. 	January 2012	Bill Norman, Director of Law, HR and Asset Management
<p>26. The Council (Director of Law, HR and Asset Management) writes to HMRC with a copy to Mr Morton outlining what went wrong in an attempt to assist him with their ongoing enquiries. Director of Law, HR and Asset Management has during the right to reply agreed that this should be undertaken as a matter of priority but highlights that <i>“the recent large scale EVR/VS programme resulted in over 1000 employees signing Compromise Agreements and leaving the Authority’s employment. This was managed by HR and Payroll and was conducted without any of the errors and complications associated with Mr Morton’s departure. The procedures are in place for managing Compromise Agreement departures appropriately, but I will ensure that they are reviewed in the light of what went wrong in Mr Morton’s case.”</i></p>	<ul style="list-style-type: none"> Director of Law, HR and Asset Management to write to Mr Morton. 	January 2012	Bill Norman, Director of Law, HR and Asset Management
<p>27. That the Director of Law, HR and Asset Management develops and implements a procedure to ensure that if in the future other errors are made in relation to employee tax and National Insurance contributions, all relevant</p>	<ul style="list-style-type: none"> Develop and implements a fit-for-purpose system. 	February 2012	Bill Norman, Director of Law, HR and Asset Management

correspondence is copied to the affected individual.			
28. The Cabinet ensures that the outstanding allegation from the Service Provider 3 in relation to the level of DASS funding is thoroughly and robustly investigated with a view to early resolution. This will require the development of an action plan which is approved by the Director and Cabinet Portfolio holder that includes the delivery of written updates to the Cabinet Portfolio holder approximately in a 2 weekly cycle.	<ul style="list-style-type: none"> • Review current position in relation to contract. • Develop actions as necessary. • Cost and report to Cabinet Member. 	May 2012	Chris Beyga, Personal Support
29. The culture of the organisation needs a fundamental shift at both member and officer levels to ensure that the “abnormal” is no longer accepted as the norm. This is not a political issue and must be addressed by all members as part of their responsibilities for corporate governance and fiduciary duties.	<ul style="list-style-type: none"> • Develop programme of activities. • Deliver programme. 	February 2012 December 2012	Jim Wilkie, Chief Executive with all three Group Leaders and overseen by the Improvement Board
30. In respect of the issue of the breaches of Disability Discrimination law, the consultant recommends that the Council gives serious consideration to both the remedies and actions that arise from the conclusion that discrimination has occurred, and reports the proposals and outcomes with the Equalities and Human Rights Commission to Cabinet at the earliest possible opportunity. In light of this, the Council must in addition consider further the wider ramifications and track record on equalities, with the Chief Executive making recommendations to Members as to improvement proposals by the Spring of 2012.	<ul style="list-style-type: none"> • Chief Executive to report to Corporate Governance Cabinet Committee. 	April 2012	Jim Wilkie, Chief Executive

Part B: Additional Recommendations from DASS			
31. Pick out all service user related risk and ensure that people are safe	<ul style="list-style-type: none"> All Safeguarding references regarding people in report individuals to be identified, circumstances investigated and resolved. 	April 2012	Caroline McKenna, Safeguarding
32. Ensure that learning from the investigation is incorporated into both actions and leadership styles in the Directorate	<ul style="list-style-type: none"> Ensure SLT undertake a full review of report, incorporate feedback and learning into Business Plan/leadership development. 	April 2012	Graham Hodgkinson, Director of Adult Social Services
Part C: Recommendations from the Martin Smith Report			
33. That the improvements to the Council's policies and procedures [in relation to (a) Stop harassment, bullying and victimisation in the workplace; (b) Grievance Procedure; and (c) Confidential Reporting (Whistleblowing) procedure] be made as soon as possible.	<ul style="list-style-type: none"> Review Stop harassment, bullying and victimisation in the workplace policy. Review Grievance Procedure. Review Confidential Reporting (Whistleblowing) procedure. 	March 2012 March 2012 Completed (September 2011)	Bill Norman, Director of Law, HR and Asset Management
34. That the Council's training and development programme is reviewed to ensure that sufficient priority is being given to a full understanding and awareness of the role, purpose and use of the council's Grievance Procedure; the Stop Harassment, Bullying and Victimisation in the Workplace Policy; and the Confidential Reporting (Whistleblowing) Policy	<ul style="list-style-type: none"> Review training programme. Implement revised programme. 	February 2012 June 2012	Chris Hyams, Head of Human Resources and Organisational Development
35a. That the Council's HR function adopts a more proactive role in matters of employee complaints by seeking to ensure that the parties find a speedy resolution i.e. a means to secure closure, which not only meets the needs of the	<ul style="list-style-type: none"> Publish Guidance on roles. Deliver training on guidance. 	March 2012 June 2012	Chris Hyams, Head of Human Resources and Organisational Development

complainant, but also the needs of the authority in i) discharging its obligations to the employee; and ii) protecting the Council's interests and reputation as a good employer.			
35b. That all parties involved in a formal investigation of a complaint, or in a grievance appeal, should have access to explanatory information, guidance and support which is issued to them by the appropriate HR Officer at the outset of the formal process involved. This information should set out the nature of the procedure being used and the processes which accompany it and explain what is expected to happen at each of the formal stages of the process.	<ul style="list-style-type: none"> • Publish Guidance and explanatory information. • Deliver training on guidance. 	March 2012 June 2012	Chris Hyams, Head of Human Resources and Organisational Development
35c. The assistance of an HR Officer, who is not involved in the details of the case or in supporting the meetings which take place to discuss it, should also be made available to any employee who may need personal advice on the various aspects of the full process.	<ul style="list-style-type: none"> • Publish Guidance and explanatory information. • Deliver training on guidance. 	March 2012 June 2012	Chris Hyams, Head of Human Resources and Organisational Development
35d. That a standard paragraph, as specified above, concerning appropriate review arrangements should be included in all Council job descriptions in order to make it clear that over time the nature of individual jobs will change and that the Council will expect to revise its job descriptions accordingly.	<ul style="list-style-type: none"> • Incorporate in all new job descriptions. • Revise all existing job descriptions. 	Completed December 2012	Chris Hyams, Head of Human Resources and Organisational Development
36. That the Council strengthens its corporate governance arrangements for dealing with employees complaints in all forms under the i) Stop Harassment Bullying and Victimisation in the Workplace Policy; ii) Grievance Procedure; and iii) Whistleblowing Policy; as specified above.	<ul style="list-style-type: none"> • Develop new HR casework system. • Trial new system in CYPD. • Review and roll out new system across Council. • Review Stop Harassment Bullying and Victimisation in the Workplace Policy; 	Completed Completed February 2012 See Recommendati on 33 above	Chris Hyams, Head of Human Resources and Organisational Development

	Grievance Procedure; and Whistleblowing Policy.		
37. That the Council gives consideration to all of the Investigation findings but particularly those where it takes the view that officer roles and responsibilities may not have been met.	<ul style="list-style-type: none"> Review Martin Smith Report and AKA Report. 	February 2012	Jim Wilkie, Chief Executive
38. That in the light of the Investigation Findings, the Council considers its obligations to Martin Morton and determines whether it should consider an appropriate remedy for its treatment of him.	That officers take all steps necessary to bring to a proper conclusion their discussions with Mr Morton on appropriate remedy, including possible re-engagement with the Council, and report the outcome to Cabinet.	February 2012	Bill Norman, Director of Law, HR and Asset Management
Part D: Recommendations from Cabinet Meeting 12 January 2012			
39. The Director of Law, HR and Asset Management, supported by the Head of Human Resources and Organisational Development, to urgently review the Final Report to ensure all appropriate action is taken,	<ul style="list-style-type: none"> Review the Final Report 	February 2012	Bill Norman, Director of Law, HR and Asset Management
40. The Director of Law, HR and Asset Management, in consultation with the Director of Adult Social Services and the Head of Safeguarding, to urgently review the Final Report to consider whether any historic safeguarding failures should be referred to the Police, (or any relevant regulatory body) for investigation.	<ul style="list-style-type: none"> Review the Final Report 	February 2012	Bill Norman, Director of Law, HR and Asset Management

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