

Wirral Borough Council

Weightmans reference: SG/186789/1

**Report of an investigation into allegations concerning the conduct of
Councillors Tom Anderson, Paul Hayes and Ian Lewis**

SG 1

WIRRAL COUNCIL
MEMBERS' CODE OF CONDUCT

Introduction

The Localism Act 2011 ("the Act") requires the Council to adopt a Members' Code of Conduct with effect from 1 July 2012. This revised Code of Conduct shall take effect from 1 August 2014.

You are a representative of this Council and the public will view you as such therefore your actions impact on how the Council as a whole is viewed and your actions can have both positive and negative impacts on the Council.

This Code is based upon the "Nolan Principles-the seven principles of public life" which are set out at Schedule 1.

Interpretation

In this Code:-

"Disclosable pecuniary interest" means those interests as defined under Schedule 3.

"Meeting" means any meeting of:

- (a) the Council;
- (b) the executive of the Council;
- (c) any of the Council's or its executive's committees, sub-committees, joint committees or area committees;

whether or not the press and public are excluded from the meeting in question.

"Member" includes an appointed Member and Co-opted Member.

"Relevant Authority" means Wirral Borough Council (unless otherwise stated).

General Obligations

1. When acting in your role as a Member of the Council:
 - 1.1 DO treat others with respect;
 - 1.2 DO NOT conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of Members;

1.3 **DO NOT** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where-

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is-
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (c) agreed with the Monitoring Officer prior to its release.

1.4 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.

1.5 **DO NOT** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

1.6 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, **DO** act solely in terms of the public interest and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

2. When using or authorising the use by others of the resources of the authority-

2.1. **DO** act in accordance with the Council's reasonable requirements including the requirements of the Council's ICT policy and other Council policies (attached to the Council's Constitution), copies of which have been provided to you and which you are deemed to have read;

2.2. **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and

2.3. **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 (as amended).

3. When acting as a nominated representative of the Council:-

(a) on another relevant authority (as defined by the Localism Act 2011), you must, when acting for that other relevant authority, comply with that relevant authority's applicable code of conduct;

(b) on any other body, you must, when acting for that other body, comply with Wirral Council's Code of Conduct, except and so far as it conflicts with any other lawful obligations to which that other body may be subject.

Interests

Disclosable Pecuniary Interests

4.1 You must, within 28 days of your election or appointment to office (where that is later), notify the Monitoring Officer in writing:-

(a) of your disclosable pecuniary interest which are notifiable under the Act and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations (2012) for inclusion in the Register of Interests; and,

(b) of the details of your other personal interests for inclusion in the register of interests; and,

Thereafter, as soon as reasonably possible (and in any event within 28 days) after becoming aware of any new disclosable or personal interests or change to any disclosable or personal interests, give written notification of such change to the Monitoring Officer or amend your Register of Interest.

Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.

Personal Interests

4.2 You have a personal interest in any business of the Council where it relates to or is likely to affect:-

(i) any body of which you are a Member or in a position of general control or management and to which you are appointed or nominated by the Council;

(ii) any body:-

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party), of which you are a member or in a position of general control or management.

4.3 You also have a personal interest in any business of the Council:-

(i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or,

(ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

Sensitive Interests

- 4.4 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register which are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

Disclosure and participation

- 5.1 At a meeting where such issues arise, **DO** declare any personal and/or professional interests relating to your public duties and **DO** take steps to resolve any conflicts arising in a way that protects the public interest.
- 5.2 Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **DO NOT** vote in relation to such matters.

Disclosable Pecuniary Interest

- 5.3 Where you disclose a disclosable pecuniary interest, you must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which you have an interest, except where you are permitted to remain as a result of a grant of a dispensation.

Personal Interests

- 5.4 Where you have a personal interest (as described above) in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 5.5 Where you have a personal interest but, by virtue of paragraph 4.4 above sensitive information relating to it is not registered in the Council's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 5.6 Where you have a personal interest in any business of the Council, you must consider if this is also an interest that could be deemed as prejudicial.

Prejudicial Interests

- 5.7 If you have a personal interest in any business of the Council, you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
 - (a) affects your financial position or the financial position of a person or body described in paragraphs 4.2 or 4.3 above; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4.2 to 4.3 above.
- 5.8 Subject to paragraph 13 below, where you disclose a prejudicial interest, you must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which you have an interest, except where you are permitted to remain as a result of a grant of a dispensation.
- 5.9 Where you have a prejudicial interest in any business of the Council you may attend a meeting, but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose (whether under a statutory right or otherwise) and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

Pre-determination or bias

- 6.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 6.2 When making a decision, **DO** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Gifts and Hospitality

- 7.1 You are required to declare to the Monitoring Officer and register any such gift or hospitality which has (or is estimated to have) a value in excess of twenty five pounds (£25.00) within 28 days of receiving the gift or hospitality.

Interests arising in relation to overview and scrutiny committees functions

- 8.1 In relation to any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where-
 - 8.1.1 that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - 8.1.2 at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee ~~mentioned in paragraph 11.1~~ and you were present when that decision was made or action was taken; or
 - 8.1.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority from the Leader):

You may attend a meeting of the relevant committee exercising overview and scrutiny committees functions of the Council or of a sub committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purposes, whether under a statutory right or otherwise.

Dispensations

- 9.1 The Council, through the Standards and Constitutional Oversight Committee, may grant you a dispensation, but only in limited circumstances, to enable you to

participate and vote on a matter in which you have a disclosable pecuniary interest.

- 9.2 Under this Code, Members are granted dispensations in relation to those matters set out in Schedule 2.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of the public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of the public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

DISPENSATIONS

Subject to you disclosing the interest at the meeting, where a decision to be taken relates to one of the functions of the Council/Executive set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school *unless* it relates particularly to the school which the child attends,
- (iii) statutory sick pay under Part XI of the School Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members;
- (vi) setting council tax or a precept under the Local Government Finance Act 1992; and
- (vii) trade union matter where you are a member (but not in a position of control) of the recognised trade union in question or another recognised trade union (excluding Sponsorship as defined under Schedule 3).

Disclosable Pecuniary Interests

- 1.1 A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:-

Subject	Prescribed Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act (1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority:-</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.

Corporate Tenancies	<p>Any tenancy where (to the Member's knowledge):-</p> <ul style="list-style-type: none"> (a) the landlord is the relevant Authority; and, (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	<p>Any beneficial interest in securities of a body where:-</p> <ul style="list-style-type: none"> (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant Authority; and (b) either:- <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or, (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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SG 2

MEMBERS' CODE OF CONDUCT

PROTOCOL

Arrangements for Investigating and Making Decisions in relation
to allegations made under the Members' Code of Conduct

1 August 2014

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1. Interpretation

- 1.1 'Chairperson' refers to the relevant person presiding at the Standards Committee or the Standards Panel or Standards Appeal Panel.
- 1.2 'Complainant' means the person who is making the Standards Complaint.
- 1.3 'Investigator' means the Monitoring Officer or other person nominated by the Monitoring Officer (or his/her representative) to investigate a complaint.
- 1.4 'Legal Advisor' means the officer responsible for providing legal advice to the Standards Panel and/or Standards Appeals Panel. This may be the Monitoring Officer, another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council.
- 1.5 'Member(s)' includes all Elected Members of Wirral Council and all non-elected Co-Opted Members of any committee (including the Standards Committee and any Overview and Scrutiny Committee) (or any sub-committee) irrespective of whether they have any voting rights and also the Member's nominated representative.
- 1.6 'Monitoring Officer' means the employee appointed to this role by the Council pursuant to section 5 of the Local Government and Housing Act 1989 ('the 1989 Act'). (The Monitoring Officer has responsibility for ensuring that the Council acts lawfully and properly in everything it does.) 'Monitoring Officer' includes any Deputy Monitoring Officer appointed by the Monitoring Officer, whether generally or for a specific purpose, in accordance with the 1989 Act; and any person authorised by the Monitoring Officer to act on his/her behalf.
- 1.7 'Standards Complaint' means (i) a complaint made against a Subject Member alleging a potential breach of the Members' Code of Conduct/misconduct that is accepted by the Monitoring Officer as a valid complaint; and (ii) has been made in writing using the prescribed 'complaint form template' set out at Appendix 1 to this Protocol (unless otherwise accepted by the Monitoring Officer).
- 1.8 'Subject Member(s)' means the Member(s) of the Council who is the subject of an allegation(s) made under a Standards Complaint unless stated otherwise or the context so requires.

2. Introduction and Summary

- 2.1 This Protocol has been developed and established pursuant to paragraphs 9.3(f),(g) and (j) of the Terms of Reference of The Standards Committee set out at Article 9 of the Constitution.
- 2.2 Any action/steps taken, discretion exercised and decisions made pursuant to this Protocol must promote the following:
 - a. Fairness to all parties and in proceedings;
 - b. Accountability;
 - c. Transparency of decision making;
 - d. Efficiency; and
 - e. Value for money.

3. What Can Be Dealt With Under This Local Protocol

- 3.1 Complaints about the behaviour/conduct of a Member(s) must be made in writing using the prescribed 'complaint form template' set out at Appendix 1 to this Protocol (unless otherwise accepted by the Monitoring Officer) which is obtainable from Committee Services (or the Council's website), and addressed to the Monitoring Officer. In line with the requirements of the Equality Act 2010 (and other related legislation), the Council can make reasonable arrangements to assist people if they have a disability that prevents them from making a Standards Complaint in writing.
- 3.2 In order to avoid unnecessary use of public resources, the Complainant must specify on the complaint form template what the Subject Member(s) is alleged to have said or done, any corroborating evidence or details of people who will be able to provide it, and a copy of any documentary evidence the Complainant seeks to rely on.
- 3.3 Standards Complaints must be about a Member(s) breaking any part of the Council's Members' Code of Conduct. This includes:
- Unlawfully discriminating against someone.
 - Failing to treat people with respect.
 - Doing something to prevent those who work for the Council from being unbiased.
 - Revealing information that was given in confidence, or stopping someone getting information they are entitled to by law.
 - Damaging the reputation of their office or Council.
 - Using their position improperly to their own or someone else's advantage or disadvantage.
 - Misusing the Council's resources.
 - Allowing the Council's resources to be misused for the activities of a registered political party.
 - Failing to register a disclosable pecuniary interest or other relevant interest(s).
 - Failing to reveal a disclosable pecuniary interest at a meeting.
 - Failing to register any gifts or hospitality they have received in their role as a member, worth over £25.00.

4. What Cannot Deal With Under This Local Protocol

- 4.1 There are some complaints that are not legally capable of being dealt with under this Protocol, such as:
- Complaints about policy or decisions made.
 - Complaints where a Member(s) is not named.
 - Complaints that are not in writing (with the exception set out in paragraph 6.1 below or otherwise agreed by the Monitoring Officer).
 - Incidents or actions that are not covered by the Members' Code of Conduct or one of the Council's local protocols.
 - Incidents that are about a fault in the way the Council has or has not done something. This is known as maladministration and may be a matter for the Local Government Ombudsman.
 - Complaints about people employed by the Council – they will be dealt with through the Corporate Complaints Procedures or the Council's disciplinary procedures.
 - Complaints about the way in which the Council conducts and records its meetings
 - these should be referred directly to the Council's Monitoring Officer.

5. Acknowledging Receipt of a Standards Complaint

- 5.1 Unless paragraph 6.1 applies, within five working days of receipt, the Complainant shall be sent a written acknowledgement of the Standards Complaint.
- 5.2 Subject to the application of paragraphs 22.2, 22.4 and 22.6 below, within five working days of receipt of the Standards Complaint, the Subject Member(s) shall be sent a written notification and summary of the Standards Complaint received.
- 5.3 The Subject Member(s) shall not disclose (except to his/her advisor(s) confidentially) any information provided to him/her under paragraph 5.2 above to any other person/body without the express written consent of the Monitoring Officer.
- 5.4 Where a 'complaint' has been received which does not allege a potential breach of the Members' Code of Conduct/misconduct by a Member(s) or provides insufficient information to enable the 'complaint' to be progressed under this Protocol, the Monitoring Officer will inform the Complainant of this issue within five working days of receipt of the 'complaint' and advise the Complainant to either raise his/her issue through an alternative and more appropriate route (if available); or request that the Complainant provides further information in connection with the 'complaint'.
- 5.5 In the event that further information is provided by the Complainant, pursuant to paragraph 5.4 above, that enables the 'complaint' to be accepted as a Standards Complaint, paragraphs 5.1 and 5.2 above shall apply.
- 5.6 Where no further information is provided by the Complainant, pursuant to paragraph 5.4, no further action shall be taken in relation to the 'complaint' and the Monitoring Officer shall inform the Complainant accordingly.

6. Anonymous Complaints

- 6.1 No action shall be taken in respect of any anonymous 'complaints' received unless in the opinion of the Monitoring Officer to do so would be in the public interest. For example, if an allegation is made of a criminal nature and evidence is provided to support the allegation, the matter may be referred to the Police or the matter raised should be considered under the Council's Whistleblowing Policy.
- 6.3 Details of such allegations will be retained on file by the Monitoring Officer for future reference and monitoring purposes.

7. Pre-Assessment Reports and Enquiries

- 7.1 Upon receipt of a Standards Complaint, the Monitoring Officer may, if it is considered appropriate and/or necessary, ask the Complainant for clarification or additional information in relation to the complaint. The Monitoring Officer shall be entitled to undertake such preliminary enquiries as he/she considers necessary in order to carry out the Preliminary Assessment and Evaluation referred to in paragraph 7.2 below.
- 7.2 The Monitoring Officer shall, as soon as practicably possible after receipt of a Standards Complaint (and after receiving any clarification/information requested under paragraph 7.1 above), assess and evaluate the Standards Complaint to determine whether:

- (i) it can be dealt with by local resolution;
 - (ii) it is frivolous and/or vexatious;
 - (iii) it can be dealt with by adopting another approach that is considered more effective and/or efficient; or
 - (iv) it is appropriate to be referred for investigation (see paragraph 8 below)
- ("Preliminary Assessment and Evaluation").

7.3 The Preliminary Assessment and Evaluation carried out by the Monitoring Officer under 7.2 above, must take into account of (i) the views of the Independent Person; (ii) the public interest, (iii) the comments of all three Political Group Leaders*; (iii) any guidance provided by Standards Committee; and (iv) paragraph 2.2 above.

[*In the event that the Subject Member is the Political Group Leader, the Monitoring Officer shall seek the views of the relevant Deputy Political Group Leader; in the event that the Subject Members are both the Political Group Leader and Deputy Political Group Leader, the Monitoring Officer shall seek the views of the next most relevant senior Political Group Official/Spokesperson.]

7.4 The suitability of an alternative course of action to an investigation of a Standards Complaint will be heavily influenced by the nature of the complaint. Certain Standards Complaints may indicate that there is a wider underlying problem/trend. Deciding to deal pro-actively with such a matter in a positive way that does not involve an investigation can be a sensible way of resolving the matter/Standards Complaint. This may be the simplest and most cost effective way of (i) getting the matter/Standards Complaint resolved promptly; (ii) helping the Council work more effectively; and (iii) avoiding similar complaints in the future.

7.5 The Monitoring Officer, in carrying out the assessment and evaluation under paragraph 7.2 above, may consider that it is appropriate and proportionate that an alternative course of action is taken in relation to Standards Complaint as it (i) enables a more satisfactory resolution to be achieved for all parties concerned; (ii) enables working practices or policies to be amended in light of the issues raised; and/or (iii) allows a better understanding of Members knowledge of the Members' Code of Conduct and/or Council procedures to be gauged. Evidence of this may include:

- (a) a number of Members failing to comply with the same part(s) of the Code;
- (b) officers giving incorrect advice;
- (c) failure to adopt the Code; or
- (d) inadequate or incomplete protocols.

Other action may also be appropriate where a breakdown in relationships within the Council is apparent; evidence of this may include:

- (a) a pattern of allegations of disrespect, bullying or harassment;
- (b) factionalised groupings within the Council;
- (c) a series of 'tit-for-tat' allegations; or

- (d) ongoing employment issues, which may include resolved or ongoing employment tribunals, or grievance procedures.

- 7.6 The Monitoring Officer should, as part of any Preliminary Assessment and Evaluation, take a practical approach to considering other action, taking into account the needs of the Council.
- 7.7 Unless otherwise stated within this Protocol, Standards Complaints that are referred for investigation under paragraph 7.2 (iv) above, will not be referred to the Standards Panel in the event that the other action undertaken has (or is perceived to have) failed due to no fault or reason on the part of the Subject Member(s). To do so in such circumstances is considered unfair to the Subject Member(s).

Local Resolution

- 7.8 If, following Preliminary Assessment and Evaluation, the Monitoring Officer is of the opinion that a local resolution of the complaint is possible and appropriate, he/she shall approach the Subject Member(s) and ask whether the he/she admits, denies or otherwise wishes to comment on the allegation made in the Standards Complaint; and whether he/she would be prepared to offer an apology or undertake other remedial action conducive to achieving a local resolution.
- 7.9 If the Subject Member(s) agrees to offer an apology or undertake other remedial action, and duly does so, the Standards Complaint shall not be progressed any further. In such circumstances there shall be no reporting of the Standards Complaint and/or its outcome to the Council or any Committee of Council other than as part of a periodic anonymous summary to the Standards Committee for monitoring and review purposes.
- 7.10 If the Monitoring Officer, whilst seeking local resolution of the Standards Complaint, is of the opinion that:
 - (i) local resolution is unlikely to be achieved at all or within an acceptable timescale; and/or
 - (ii) the Subject Member fails to offer an apology or undertake the agreed remedial action within the timescales agreed or within a reasonable time; and/or
 - (iii) there has been a material change in circumstances (i.e. further information coming to light and issues being raised) since the Monitoring Officer undertook the Preliminary Assessment and Evaluation under paragraph 7.2;

then the Monitoring Officer shall refer the Standards Complaint and the additional information for investigation and the investigation report produced shall be considered by the Standards Panel.

Frivolous/Vexatious

- 7.11 If, following the Preliminary Assessment and Evaluation, the Monitoring Officer is of the opinion that the Standards Complaint is frivolous and/or vexatious, he/she shall inform the Complainant of his/her view and the reasons for reaching that conclusion. The Standards Complaint shall not be progressed any further and nor will there be a right of appeal against the decision of the Monitoring Officer in such circumstances.

Alternative approach

7.12 If, following the assessment and evaluation outlined above, the Monitoring Officer is of the opinion that an alternative approach exists that could achieve a more effective and efficient resolution of the Standards Complaint than that outlined in paragraphs 7.8 and 7.9 above, he/she shall adopt that approach accordingly and endeavour to achieve a resolution of the Standards Complaint.

7.13 If the Monitoring Officer, whilst seeking resolution of the Standards Complaint by adopting an alternative approach, under paragraph 7.12, is of the opinion that:

- (i) a resolution of the Standards Complaint is unlikely to be achieved at all or within an acceptable timescale; and/or
- (ii) the Subject Member fails to co-operate or undertake the agreed remedial action within the timescales agreed or within a reasonable time; and/or
- (iii) there has been a material change in circumstances (i.e. further information coming to light and issues being raised) since the Monitoring Officer undertook the Preliminary Assessment and Evaluation under paragraph 7.2;

then the Monitoring Officer shall refer the Standards Complaint and any other relevant information for investigation; and the investigation report produced shall be considered by the Standards Panel.

8. Referral of a Complaint for Investigation

8.1 Where the Monitoring Officer has determined that the Standards Complaint should be referred for investigation, he/she may undertake the investigation in person; or alternatively, (i) appoint another person (including the Deputy Monitoring Officer); or (ii) another appropriate officer (having regard to the nature of the allegations); or (iii) a Monitoring Officer/Deputy Monitoring Officer of another local authority; or (iv) an external Investigator of appropriate experience and standing, (an 'Investigator'), to undertake the investigation.

8.2 Within five working days of the Monitoring Officer's decision that the Standards Complaint should be investigated, he/she will:

- (i) begin to investigate the matter personally; or
- (ii) appoint an Investigator and instruct him/her to conduct an investigation of the Standards Complaint and to report his/her findings to the Monitoring Officer and subsequently to the Standards Panel.

8.4 The Monitoring Officer may appoint another person (or other persons) to assist him/her or the Investigator in the conduct of his/her functions.

8.5 The investigation will be carried out having regard to any guidance provided by the Standards Committee and/or the Monitoring Officer; and shall normally be completed (i.e. a final report produced) within twelve weeks from the date the decision was made that the Standards Complaint should be investigated. The timescale for investigation may take longer when dealing with complex complaints or where there are large numbers of

witnesses. In such cases the Monitoring Officer will ensure that the process is dealt with in a timely manner; concluded as soon as reasonably practicable; and that the Complainant, Subject Member(s) and Chairperson of the Standards Committee are kept informed as to progress.

- 8.6 The Monitoring Officer shall ensure that the investigation is conducted in a manner that is appropriate to the seriousness of the complaint and compliant with natural justice and human rights. The Monitoring Officer shall have regard to all relevant considerations, including: the extent to which allegations are supported by any evidence; the Council's financial position; and the public interest.

9. Production of Documents, Information and Explanations

- 9.1 In the course of the investigation, the Investigator (and any person authorised on his/her behalf) may make such enquiries of any person (and/or request any person to provide any document, information or explanation), as he/she thinks necessary for the purposes of carrying out the investigation.

10. Interviews

10.1 Timescale

The Investigator will make arrangements for interviews with relevant persons within ten working days of being appointed. If it subsequently becomes apparent that there needs to be further interviews (or other evidence provided) this will be dealt with as soon as reasonably practicable.

10.2 Requesting attendance

- (i) In the course of the investigation the Investigator may request any person to attend and appear before him/her or otherwise provide advice or information, as he/she thinks necessary for the purposes of carrying out the investigation.
- (ii) The Complainant, Subject Member and other relevant Members (as determined by the Investigator) shall co-operate fully with the Investigator and make themselves available for interview within a reasonable period of time (which must not exceed 21 days) of the Investigator requesting a convenient time and date for interview.
- (iii) In the event that the Complainant or Subject Member(s) fail to respond to a request for interview or fail to make him/herself available for interview within 21 days of the Investigator request for interview or fail to co-operate fully with the Investigator thereby leading to unnecessary and/or unacceptable delay, the Monitoring Officer shall be entitled, after seeking the views of the Independent Person, to instruct the Investigator to complete the investigation and final report without interviewing the Complainant or Subject Member(s).

10.3 Representation

Any person who is interviewed by the Investigator may be accompanied (at their own expense) by one friend/adviser provided that that person is not a witness in the same investigation.

10.4 Notes of interviews

Where reasonably practicable, following the interview the Investigator will produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask him/her to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose.

11. Investigator's Report

11.1 The Investigator will decide whether it is appropriate to produce a draft report or to produce a final report without first producing a draft report; a draft report will only be produced in the case of unusually lengthy or complex investigations. In either event, the Investigator may wish to confirm the accuracy of parts of the report directly with the Complainant and/or any other persons interviewed during the investigation.

11.2 The draft report will be marked "Confidential" and "Draft". It will also make clear that the draft report does not necessarily represent the Investigator's final findings and that a final report will be presented to the Standards Panel once the Investigator has considered any comments received on the draft report.

11.3 The Investigator will then send a copy of his/her draft report to the Complainant and Subject Member(s), who will be afforded the opportunity to make comments on the draft report for consideration by the Investigator. All such comments shall be made by the Complainant and Subject Member(s), to the Investigator, within ten working days of receipt of the draft report.

11.4 The Investigator shall, upon receipt of any comments received under paragraph 11.3 above, will consider such comments when preparing his/her final report.

12. Rights and Responsibilities of Members and the Investigator

12.1 Depending upon the seriousness of the allegations and the available evidence, the Investigator may also interview other persons named by the Subject Member(s) or the Complainant if the Investigator considers such persons may assist the investigation. Neither the Subject Member(s) nor the Complainant shall seek to interview any person who may be of assistance to the investigation.

12.2 The Subject Member(s) and Complainant may provide the Investigator with any documents and information they would like the Investigator to examine as part of the investigation, or the contact details of persons they would like the Investigator to interview.

12.3 The Complainant and Subject Member(s) will normally be interviewed face-to-face by the Investigator. Other witnesses may be interviewed by telephone or invited to make written submissions, as the Investigator considers appropriate. The Subject Member(s) will normally be given an opportunity to comment upon all evidence submitted by the Complainant (or others) to substantiate the complaint.

12.4 It is a breach of the Members' Code of Conduct to attempt to intimidate the Investigator or Members of the Standards Committee, or any witness, potential witness or any other person in relation to the Standards Complaint and any investigation. Neither the Complainant nor Subject Member(s) should attempt to discuss or otherwise

(unless disclosure is to his/her advisor(s) confidentially).

15. Role of Investigator and the Panels

- 15.1 The function of the Investigator is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Standards Panel (and the Standards Appeals Panel as applicable), to assist it in determining whether the Subject Member has failed to comply with the Members' Code of Conduct as alleged in the Standards Complaint.
- 15.2 It is essential that the Investigator acts, at all times, in a manner that is impartial and fair to all parties.
- 15.3 The Standards Panel (and the Standards Appeals Panel as applicable) shall act in an inquisitorial manner seeking the truth in relation to the conduct of the Subject Member and on the balance of probabilities reach a decision having regard to all relevant representations, evidence and information adduced.

16. Standards Panel

- 16.1 Where a Standards Complaint has been referred for investigation and a finding of a breach has been found by the Investigator, the Standards Panel shall be convened within 20 working days of the Monitoring Officer receiving the Investigator's final report.
- 16.2 The Standards Committee shall consider and/or have regard to:
- (i) the Investigator's final report;
 - (ii) the views of the Independent Person;
 - (iii) material factors, relevant issues and evidence;
 - (iv) relevant representations made by the parties,
 - (v) available guidance and advice; and
 - (iii) any aggravating and/or mitigating factors (as considered appropriate).

It will then reach one of the following decisions in respect of the complaint:

- (a) Agree with findings and conclusions of the Investigator as set out in the Investigator's final report; or
- (b) Reach an alternative decision as permitted under its Terms of Reference.

- 16.3 All relevant parties shall be entitled to attend the meeting of the Standards Panel. The Panel will afford all relevant parties the opportunity to make representations to the Panel in support of their respective positions. Whilst the parties will not be entitled to cross-examine each other, they will be entitled to challenge and rebut any evidence adduced or representations made by the other.

16.4 Sanctions

If the Standards Panel determines that the Members' Code of Conduct has been breached, it may impose one or more of the sanctions detailed within its terms of reference.

- 16.5 The Standards Panel may commission further investigation/s or request additional information as necessary to enable it make a decision in relation to the Standards

Complaint; and accordingly adjourn the consideration of a Standards Complaint to another meeting.

17. Notification of Standards Panel Decision and Right of Appeal

- 17.1 The Standards Panel decision and its reasons shall be confirmed in writing to the Complainant and the Subject Member(s) within normally five working days of the Standards Panel meeting. The Complainant and Subject Member(s) have a right to seek permission to appeal to the Standards Appeal Panel against the decision of the Standards Panel in accordance with paragraph 18 below.

18. Request for permission to Appeal

- 18.1 If the Complainant or Subject Member(s) is dissatisfied with the decision of the Standards Panel, he/she may seek permission to appeal to the Standards Appeal Panel against the decision on the grounds set out below.
- 18.2 Any request seeking permission to appeal must be made in writing to the Monitoring Officer within 21 working days of receipt of the Standards Panel's decision.
- 18.3 The Monitoring Officer shall acknowledge any request seeking permission to appeal made under paragraph 18.2 within 5 working days of receipt.
- 18.4 A request seeking permission to appeal will only be valid and accepted providing:
- (i) it confirms the procedural, legal and/or evidential issues are relied upon in support of the request; and
 - (ii) the Monitoring Officer is satisfied, having considered the views of the Independent Person, that (a) significant and/or important procedural, legal and material evidential issues have been raised; and/or (b) it is considered reasonable and equitable in the circumstances that the request for appeal be permitted.

The Monitoring Officer shall make a decision in respect of the request within 5 working days and promptly notify the Complainant and Subject Member of his/her decision.

19. Review Panel

- 19.1 The Monitoring Officer shall convene a meeting of the Standards Appeal Panel to consider the appeal within 20 working days (or as soon as practicable thereafter) of his/her decision to allow an appeal under paragraph 18.4 above.
- 19.2 The Monitoring Officer shall, within 10 working days of allowing the appeal, write to the Complainant and Subject Member requesting that they complete relevant forms to enable the Standards Appeal Panel to be convened at a convenient time and date to all parties to hear the appeal. Responses must be returned to the Monitoring Officer within ten working days of the request being made. Should either the Complainant or Subject Member(s) fail to reply, a reminder will be sent to him/her allowing a further five working days to reply. Should a reply still not be received, the Monitoring Officer shall be entitled to assume that the Complainant or Subject Member(s) (as applicable) does not dispute

the findings and conclusions of the Investigator's final report and does not wish to participate in the Standards Appeal Panel hearing.

19.3 The Standards Appeal Panel will consider and/or have regard to:

- (iv) the Investigator's report;
- (v) the views of the Independent Person;
- (vi) material factors, relevant issues and evidence;
- (iv) relevant representations made by the parties,
- (v) available guidance and advice; and
- (iii) any aggravating and/or mitigating factors (as considered appropriate).

The decision and reasons of the Standards Panel relating to the Standards Complaint shall not be disclosed to the Standards Appeal Panel.

The Standards Appeal Panel will then reach one of the following decisions in respect of the appeal:

- (a) Agree with findings and conclusions of the Investigator as set out in the Investigator's final report; or
- (b) Reach an alternative decision as permitted under its Terms of Reference.

19.4 All relevant parties shall be entitled to attend the meeting of the Standards Appeal Panel. The Panel will afford all relevant parties the opportunity to make representations to the Panel in support of their respective positions. Whilst the parties will not be entitled to cross-examine each other, they will be entitled to challenge and rebut any evidence adduced or representations made by the other.

19.5 Sanctions

If the Standards Appeal Panel determines that the Members' Code of Conduct has been breached, it may impose one or more of the sanctions detailed within its terms of reference.

19.6 The Standards Appeals Panel may commission further investigation/s or request additional information as necessary to enable it make a decision in relation to the appeal; and accordingly adjourn the consideration of the appeal to another meeting.

20. **Notification of Review Panel Decision**

20.1 The Standards Appeal Panel decision and its reasons shall be confirmed in writing to the Complainant and the Subject Member, within normally five working days of the Standards Appeal Panel considering the Standards Complaint. The Complainant and Subject Member do not have a right to of appeal against the decision of the Standards Appeal Panel.

21. **Access to Meetings and Decision Making**

21.1 Where the Standards Panel or Standards Appeals Panel is considering allegations that a Subject Member has failed, or may have failed, to comply with the Members' Code of Conduct, the Standards Complaint and all associated reports, documents, information and the like shall be exempt from disclosure under paragraph 7C of the Council Access to Information Procedure Rules unless the Standards Panel or the Standards Appeals

Panel at its meeting considers that the public interest in lifting the exemption outweighs the public interest in maintaining the exemption.

21.2 Agendas and papers for meetings of the Standards Panel and Standards Appeals Panel shall be distributed in accordance with the Council's Access to Information Procedure Rules.

21.3 The publication of Standards Panel and Standards Appeals Panel decisions and associated information shall be kept for six years from the date of the decision.

22. Confidentiality

22.1 Unless otherwise permitted under this Protocol or required by legislation, a Standard Complaint (and all associated information, documents, information) shall remain confidential until such time that the Monitoring Officer, or Standards Committee, or the Standards Panel or the Standards Review Panel, consider it appropriate (if at all) to disclose the Standards Complaint (and all associated information, documents, information) in the public domain.

22.2 The Subject Member(s) will (unless otherwise stated in this Protocol) be sent a summary of the complaint within five working days of receipt unless the Monitoring Officer believes to do so would:

- (a) put the complainant at risk of bullying, harassment or intimidation;
- (b) put other witnesses at risk of bullying, harassment or intimidation;
- (c) prejudice any investigation;
- (d) prejudice any other action from being taken;
- (e) not be in the public interest; and/or
- (f) not be consistent with guidance provided by the Standards Committee or Secretary of State.

22.3 The Subject Member shall not disclose (except to his/her advisor(s) in confidentially) any information provided to him/her under paragraph 22.2 above without the express written consent of the Monitoring Officer.

22.4 Any request by the Complainant to keep his/her name confidential will be considered by the Monitoring Officer within five working days of receipt of any such request and the decision (with reasons) communicated to the Complainant in writing. Where the request is refused, the complainant may be afforded the opportunity to withdraw the Standards Complaint. However, where the Standards Complaint relates to a serious matter, the Monitoring Officer reserves the right to progress the Standards Complaint in accordance with this Protocol.

22.5 In exceptional circumstances, despite the Monitoring Officer agreeing to the Complainant's identity being kept confidential under paragraphs, 22.1, 22.2 and/or 22.4 above, the confidential details in question may still become known in the public domain or have to be provided for other reasons and purposes which disclosing them in the public domain.

- 22.6 The Subject Member will not be informed/notified of the Standards Complaint and/or the identity of the Complainant, in accordance with paragraph until after the Monitoring Officer has considered the Standards Complaint and made a determination in relation to any request for confidentiality made under paragraph 22.4 above.

23. Conflicts of Interest

- 23.1 Members and officers shall not take part in meetings of the Standards Panel or Standards Appeal Panel where any of the following circumstances apply:
- (a) The complaint is likely to affect the well-being or financial position of that Member or officer or the well-being or financial position of a friend, family member of person with whom they have a close association.
 - (b) The Member or officer is directly or indirectly involved in the Standards Complaint and/or investigation in any way.
 - (c) A family member, friend or close associate of the Member or officer is involved in the Standards Complaint and/or investigation.
 - (d) The Member or officer has an interest in any matter relating to the Standards Complaint and/or investigation. For example, it concerns a Member's failure to declare an interest in a planning application in which the Member or officer has an interest. This is despite the fact that the outcome of any investigation or other action could not affect the decision reached on the application.

24. Monitoring and Review

- 24.1 For monitoring and review purposes, the Monitoring Officer shall provide the Standards Committee, at each of its meetings (unless otherwise directed by the Standards Committee), an anonymous summary (unless the information is already in the public domain) of all Standards Complaints received, their progress, outcome and any costs incurred.

25. Failure to Comply with the Requirements of this Protocol

- 25.1 Failure by a Member to comply with the reasonable requirements of the Investigator, or this Protocol, may result in a complaint being made to or by the Monitoring Officer under the Members' Code of Conduct.

26. Modification of Procedure

- 26.1 The Monitoring Officer, in consultation with the Chairperson of the Standards Committee and Political Group Leaders (or their nominated spokesperson), may vary the procedures and practices detailed in this Protocol where the variation is considered (i) necessary to ensure the effective and timely administration, investigation and/or determination of a Standards Complaint; and (ii) it is fair and equitable to do so. Any such variation shall be recorded in writing (which shall include the reasons for the variation) and be signed by the Chairperson of the Standards Committee.

Wirral Borough Council

Weightmans reference: SG/186789/1

**Report of an investigation into allegations concerning the conduct of
Councillors Tom Anderson, Paul Hayes and Ian Lewis**

SG 3

Ref: 186789/1

Complaint about Councillors Tom Anderson, Paul Hayes and Ian Lewis – Wirral Borough Council

Note of interview with Doctor Maggie Atkinson, 30 January 2018

- 1 The interview was conducted by Simon Goacher, Weightmans LLP (SG).
- 2 SG outlined the process that would follow and explained that, although ultimately if the matter reached the Standard Committee it could decide to hear the evidence in public, the investigation should be treated as confidential.
- 3 Dr Atkinson ("MA") explained that she had been the independent chair of the Wirral Local Safeguarding Children Board ("LSCB") for just over one year. She explained that the LSCB is entirely independent from Wirral Borough Council ("the Council").
- 4 MA confirmed that the contents of her complaint as set out in her letter to the Council's Monitoring Officer dated 5 December 2017 contained the substance of her complaint and were accurate.
- 5 MA stated that she should have asked the chair of the overview and scrutiny committee ("OSC") to have moved the meeting into Part 2 (private session). She stated that she regretted that she had not.
- 6 MA explained that she had agreed a memorandum of understanding ("MoU") with the OSC, though there was no requirement on her to do so. MA stated that under the MoU she attends the OSC meeting two or three times a year. MA stated that this was because the work of the OSC takes it into areas of safeguarding. MA explained that she was attending the meeting of the OSC on 14 November 2017 to present her annual report for 2016/17.
- 7 MA explained that she attended a meeting of the Council's Children's Services Taskforce ("CST") in September 2017. She explained that the CST's remit covers safeguarding so inevitably the serious case review ("SCR") which had been carried out in relation to a child sexual exploitation ("CSE") case in the borough would be a matter in which the CST would be interested. MA explained that at the September meeting she explained to the CST that the SCR would not be published. She stated that she explained this at the meeting of the CST and also in writing afterwards to Councillor Hayes ("PH").
- 8 MA stated that at the OSC meeting Councillor Tom Anderson ("TA") first raised the issue of the SCR. She stated that PH then joined in. MA stated that she and members of the OSC were taken aback. MA stated that the SCR was a very small part of a much bigger presentation. She stated that councillors had already been informed of the reasons why she had taken the serious decision not to publish the OSC.
- 9 MA stated that the person who had written the SCR had taken six weeks trying to redact the report in a way which made sense but did not identify the individual. MA explained that the report writer is the chair of another LSCB elsewhere in the North West of England and very experienced.

- 10 MA stated that the Department for Education ("DfE") national panel was aware of this decision and did not demur from it. PH, along with all Group leaders across the Council, the then-Acting DCS and the Chief Executive, had all received the text of the DfE SCR Panel's written agreement with MA that non-publication was the appropriate course of action.
- 11 MA stated that she felt that mischief was afoot at the OSC and because everyone was taken aback no-one asked the Chair to put the matter into Part 2. MA stated that she knew that the Chair was also mortified about this because she had subsequently spoken to him about it.
- 12 MA stated that there is a resident of the borough who films all public committee and council meetings and because the OSC meeting was in public this enabled the council members to go to the media about the issue; reviving the decision in public.
- 13 MA stated that this had occurred in the context that the members concerned knew the answers to the questions they asked at this meeting, and this meant that they were being disingenuous. She stated that their actions were driven by their own agenda and were not about serving the people of the borough. MA stated that the members concerned were following their own political agenda not holding people to account.
- 14 MA stated that she knew that the Council's lead member for children's services had tackled the members about it immediately.
- 15 MA stated that she recognised the political issues in the borough but that reprehensible behaviour such as this had to be called out.
- 16 MA confirmed that it was already in the public domain that the SCR had been undertaken and that the perpetrators of the CSE had been convicted before the OSC meeting.
- 17 MA stated that it is the Government's expectation that SCRs will normally be published. She stated that the statutory guidance on this had been changed in 2012 by the then children's minister Tim Loughton MP. MA explained that there is a national panel appointed by the DfE which helps LSCBs to decide when a SCR is needed/warranted. MA stated that the panel will sometimes override a LSCB decision, either to undertake or not undertake a SCR. MA stated that LSCB Chairs can also go to the panel if there are concerns about publication's effects on or identification of a victim. MA had received confirmation from a Barrister's opinion that it is a criminal offence to make known the identity of the victim of a sexual offence, and that the Members who had asked questions at the OSC had been informed of this fact ahead of the 14/11/17 OSC meeting.
- 18 MA stated that the chair of the Wirral LSCB's SCR panel is Amanda Bennett ("AB") an experienced consultant paediatrician. MA explained that AB had grave concerns about the possibility of the individual being identified if the SCR was published. MA stated that no-one had any qualms about publishing lessons learned and action planning materials arising from the SCR.
- 19 MA stated that she made it clear that her role is to hold parties to account.
- 20 MA stated that members are regularly updated on progress with the action plan, those updates being on the public pages section of the LSCB website.

- 21 MA explained that now and again elected members needed to be reminded that the SCR report was not theirs it was hers. She stated that the report is also not the property, or under the direction, of the Director of Children's Services ("DCS"). MA stated that it was her that publishes updates on the SCR. MA stated that is part of her role to stop elected members from straying over boundaries. MA stated that it is part of her role to hold them to account, but also to keep them as safe as possible.
- 22 MA stated that she cannot risk the individual being identified, this being illegal.
- 23 MA stated that both PH and Councillor Lewis ("IL") were part of the MTF. She explained that the MTF meetings are not held in public. She stated that she understood that the MTF had been suggested by the Council's chief executive as a forum where robust decisions about improving children's services in the borough could take place. She stated that she had been asked to attend the MTF meeting in September 2017 to talk about her role as the chair of the LSCB in general. She explained that the SCR and CSE were raised at the meeting. She stated that she explained the reasons for not publishing the SCR and that the DfE supported that decision. MA stated that PH emailed her immediately after the meeting asking for an explanation.
- 24 MA stated that made it clear to PH that her response to his email would be strictly confidential. MA stated that PH asked her if she was impugning his honour by making that suggestion. MA explained that she made it clear that she was not; she was simply reminding PH of the need for confidentiality. MA stated that there is a culture of leaks within the Council. MA stated that this exchange with PH took place by email.
- 25 MA stated that the first time she had ever met TA was at the OSC meeting in November 2017. SG asked how TA would have known the answers to his questions if he had no previous dealings with MA and was not sent a copy of her letter to PH. MA stated that PH could have intervened at that point and stated that MA had written to him explaining why the SCR had not been published but PH had not done so.
- 26 MA stated that her recollection was that TA had asked one question and then PH took up the sword and asked more questions. MA stated that this was based on what she remembered; she had not viewed the recording to check. MA stated that TA had asked the first question and in response to that she had stated that PH had received a very detailed letter. MA stated that PH then took the issue up and had said that it was disgusting and "you should have published". MA stated that she stuck to her guns and said that she would not enable identification as it was a criminal offence but that she would publish a lessons learned action plan. She stated that PH was not satisfied with this.
- 27 MA stated that PH had said that given the OSC meets in public, he would make the people of the borough aware that it was not acceptable or words to that effect.
- 28 MA stated that the whole thing had the air of TA and PH having prepared what they were going to say. MA stated that IL was not at the meeting but she could not believe that IL did not know what they were going to say.
- 29 MA stated that IL had received the letter sent to PH which had also been sent to Councillors Davies, Mooney, Gilchrist, the Chief Executive and the DCS; the chair of the OSC had not received it. MA stated that she had been very circumspect about who

got what, confidentiality and protection of the victim concerned being of overriding importance.

- 30 MA stated that the actions of TA and PH did amount to an attack and were belligerent. MA stated that the chair of the OSC made her aware after the meeting that he was particularly remorseful about the turn of events and the tone of the meeting.
- 31 SG asked MA what the basis of her statement in her complaint that this was "by no means the first" attack by "these members" was, particularly as she stated that she had no previous dealings with TA. MA responded that this was based on conversations which had been reported to her. She stated that in speaking to very senior officers in the children's services department before the current DCS had been recruited the reported comments of these members were consistent and she believed what she was told about them was well founded. She referred to the fact that these members had caused the Council to call numerous emergency meetings of full council. MA stated that the acting DCS was no fool and a tough cookie but these members had left her feeling deeply uncomfortable about performing her duties. MA stated that the members of the other two political groups had indicated that such behaviours are common place and politically motivated; these members are looking for copy for their manifesto.
- 32 MA stated that one of the things which she had said at the meeting of the MTF was that to improve they needed to take the party politics out of the way they conduct business about children. She said that party politics got in the way of improving services which was a shame because it should not.
- 33 MA stated that she had no specific evidence that it was these members who had gone to the press. She stated that this was an assumption because of the timing. She stated that there was a report in the Liverpool Echo the day after the OSC meeting. She stated that the report was written by a journalist who had interviewed her during the trial of the CSE case. MA stated that the tone of the coverage was of a "cover up".
- 34 MA stated that following the press coverage Councillor Smith ("TS"), who had been the previous lead member for children's services had contacted the acting DCS saying that he needed to see the SCR in order to respond to the media coverage. MA explained that TS had stated that he believed that the Liverpool Echo had a copy of the SCR.
- 35 MA stated that she had been in sporadic contact with Julia Hassall ("JH"), the former DCS of the Council, who had left after the CSE convictions. MA stated that JH had contacted her after the report in the Liverpool Echo upset that the matter was in the press again.
- 36 MA stated that there is no such thing as consequence free behaviour; she stated that the members are dealing with human beings. She stated that the individual involved also believed as a result of the press coverage that the SCR had been published.
- 37 MA stated that she had no direct evidence that IL had been involved in the actions of TA and PH. She stated that she assumed as their group leader he would have known.
- 38 SG outlined the process that would follow including the possibility that the agreed note of the interview would be made public by the Council's Standards Committee.

8 February 2018

I agree that this is a true and accurate record of the interview.

Signed ...*M E Atkinson*.... Maggie Atkinson

Dated...9 February 2018

Wirral Borough Council

Weightmans reference: SG/186789/1

**Report of an investigation into allegations concerning the conduct of
Councillors Tom Anderson, Paul Hayes and Ian Lewis**

SG 4

Ref: 186789/1

Complaint about Councillors Tom Anderson, Paul Hayes and Ian Lewis – Wirral Borough Council

Note of interview with Councillor Tom Anderson, 22 January 2018

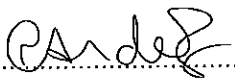
- 1 The interview was conducted by Simon Goacher, Weightmans LLP (SG).
- 2 SG outlined the process that would follow and explained that, although ultimately if the matter reached the Standard Committee it could decide to hear the evidence in public, the investigation should be treated as confidential.
- 3 Councillor Anderson ("TA") explained that he had been an elected member of Wirral Borough Council ("the Council") since May 2008.
- 4 TA confirmed that he was a member of the Council's Children Overview and Scrutiny Committee ("the Committee") and had attended the meeting of the Committee on 14 November 2017. TA confirmed that he had written a letter to the Council's Monitoring Officer on 18 January 2018 which set out his response to the complaint.
- 5 TA stated that Professor Atkinson ("MA") the complainant accuses him of attacking her in a belligerent way. He states that he did not attack her and was not belligerent. He referred SG to the recording of the Committee meeting made by a member of the public, Mr Brace.
- 6 TA stated that in her complaint MA stated that this was not the first time he had attacked her. TA stated that as far as he could recall he had never met MA nor had any dealings with her prior to the meeting of the Committee on 14 November 2017.
- 7 TA stated that MA had stated in her complaint that the Committee was taken aback by this. He stated that he did not know what evidence MA had to support that statement.
- 8 TA stated that MA had stated in her complaint that he had caused distress to Julia Hassall and the former lead member. TA asked how MA knew this; had she spoken to them and if so was that appropriate.
- 9 TA stated that had never contacted the press about this issue. He stated that he was aware that Councillor Hayes ("PH") had been quoted in the press but the complaint alleged that he (TA) also did so and he had not.
- 10 TA stated that MA had stated in her complaint that he already knew the answers to his questions because she had written to PH. TA stated that he had never seen the letter from MA to Councillor Hayes. TA explained that PH was the group spokesperson for children's services but that did not mean that he shared every letter with other members of the group.
- 11 TA stated that he was and remained concerned about the serious case review not being made public. He stated that the guidance clearly states that such reviews should be written in such a way to enable them to be published. He stated that at the meeting he did not actually ask for the review to be published but merely that it should be provided to members of the Committee. TA stated that scrutiny has an important part to play in improving children's services and that MA herself had said

this. He stated that he did not see how this could be done if members were not able to see important documents such as this. TA stated that he had never disclosed confidential information and it was beyond him why members could not see the report.

- 12 TA stated that he had not seen any evidence regarding the comment by MA that the Department for Education had confirmed that the review should not be made public so was unable to comment on it.
- 13 TA stated that he did not believe that Councillor Hayes asked MA any direct questions about the serious case review at the meeting; he merely put on record his opinion that it should be published. TA stated that he did not believe that Councillor Hayes had attacked MA or been belligerent.
- 14 SG outlined the process that would follow including the possibility that the agreed note of the interview would be made public by the Council's Standards Committee.

Simon Goacher, Weightmans LLP
29 January 2018

I agree that this is a true and accurate record of the interview.

Signed.....
Tom Anderson

Dated..... 6th February 2018

Wirral Borough Council

Weightmans reference: SG/186789/1

**Report of an investigation into allegations concerning the conduct of
Councillors Tom Anderson, Paul Hayes and Ian Lewis**

SG 5

Ref: 186789/1

Complaint about Councillors Tom Anderson, Paul Hayes and Ian Lewis – Wirral Borough Council

Note of interview with Councillor Ian Lewis, 31 January 2018

- 1 The interview was conducted by Simon Goacher, Weightmans LLP (SG).
- 2 SG outlined the process that would follow and explained that, although ultimately if the matter reached the Standard Committee it could decide to hear the evidence in public, the investigation should be treated as confidential.
- 3 Councillor Lewis ("IL") explained that he had first been elected as a member of Wirral Borough Council ("the Council") 18 years ago. IL explained that he had not continuously been an elected member of the Council since that time but he had been a councillor for 12 years in total.
- 4 IL confirmed that he had been the leader of the Conservative Group on the Council since May 2017.
- 5 IL stated that the Children's Services Members' Task Force ("MTF") had been established by the leader of the Council in the wake of the OfSTED report of September 2016 which had found the Council's children's services department to be inadequate. IL explained that the MTF was made up of the three party leaders and the three party spokespersons for children's services, together with the Director for Children's Services ("DCS") and other professional staff as required. IL stated that the terms of reference for the MTF had been agreed at the first meeting of the MTF. IL provided SG with a copy of the terms of reference.
- 6 IL pointed out the requirement for confidentiality in all matters relating to the MTF as set out in its terms of reference. IL explained that as a result he did not share anything discussed at any meeting of the MTF outside of those meetings.
- 7 IL explained that the complainant, Professor Atkinson ("MA") had attended a meeting of the MTF and gave a response to a high profile case of child sexual exploitation ("CSE") which had occurred in the borough. IL stated that Councillor Hayes ("PH") and he had questioned MA, in a constructive way, to get behind the decision not to publish the serious case review ("SCR"). IL stated that was it; they had simply asked her about it. IL explained that the MTF has no executive role it is merely a discussion forum.
- 8 IL stated that he had not attended the meeting of the overview and scrutiny committee ("OSC") in November 2017 nor had he spoken to any of his group's members about the issue before the meeting.
- 9 IL stated that there was a reference in MA's complaint to IL breaking the code of conduct "by default". IL stated that he will happily take responsibility for the actions of his group but he does not get involved in the approach taken by members on the OSC. He said that he would never ask a member to take a particular line or ask a particular question at a meeting of the OSC. IL stated that it is not his role to tell members on an OSC what to do; he stated that he might attend a meeting of an OSC if it was discussing an issue of particular interest to him.

- 10 IL stated that PH is more than capable of questioning and raising concerns in a way which complies with the code of conduct. IL stated that he was surprised by MA's letter of complaint. IL stated that he believed that the role of the OSC is to scrutinise the executive and partner organisations. IL stated if the questions were to be asked so that the public could see them if not at the OSC where should they be asked and any questions which were not acceptable would surely have been dealt with by the Chair?
- 11 IL stated that the OSC was there to scrutinise and challenge anyone as the members saw fit. IL stated that he believed that it was naïve to expect the OSC not to do so, particularly on an issue such as this. IL stated that he would be disappointed if members of any group did not question this decision (not to publish the SCR).
- 12 IL stated that there had been massive public interest in this case prior to the convictions. IL stated that the Council's press office, MA and the interim DCS all knew of the issue. Indeed, at the meeting of the MTF, MA had, herself, stated that she expected her decision to lead to accusations of a cover up in the media. IL stated that he was concerned that it had not been dealt with openly and transparently.
- 13 IL stated that he was not aware that the issue had been reported in the press until afterwards. He stated that the first he knew about it was when the cabinet member for children's services had approached him as he was leaving Wallasey Town Hall at 6.30 one evening and accused him of talking to the Wirral Globe about the issue. IL stated that he told her that he had not done so. IL stated that after this he did respond to a request from regional TV news to talk about the case while stressing the that the SCR should have been written in such a way that it could be published whilst protecting the identity of the individual so that everyone could see where mistakes had been made, as outlined in previous DfE guidance.
- 14 IL explained that the MTF had not met since the OSC meeting in November for various reasons.
- 15 SG outlined the process that would follow including the possibility that the agreed note of the interview would be made public by the Council's Standards Committee.

Simon Goacher, Weightmans LLP
8 February 2018

I agree that this is a true and accurate record of the interview.

Signed.....

Ian Lewis

Dated.....

16.2.18

Wirral Borough Council

Weightmans reference: SG/186789/1

**Report of an investigation into allegations concerning the conduct of
Councillors Tom Anderson, Paul Hayes and Ian Lewis**

SG 6

Ref: 186789/1

Complaint about Councillors Tom Anderson, Paul Hayes and Ian Lewis – Wirral Borough Council

Note of interview with Councillor Paul Hayes, 20 February 2018

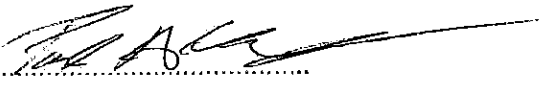
- 1 The interview was conducted by Simon Goacher, Weightmans LLP (SG).
- 2 SG outlined the process that would follow and explained that, although ultimately if the matter reached the Standard Committee it could decide to hear the evidence in public, the investigation should be treated as confidential.
- 3 Cllr Hayes ("PH") explained that he had been an elected member of Wirral Borough Council ("the Council") since May 2007.
- 4 PH confirmed that he was a member of the Council's Children Overview and Scrutiny Committee ("the Committee") and had attended the meeting of the Committee on 14 November 2017. PH confirmed that he is the Conservative Group's spokespersons and shadow cabinet member for Children's Services.
- 5 PH stated that he could not recall having received specific training on code of conduct/standards matters but it was covered as part of the members' induction.
- 6 PH stated that he felt that he was being asked to answer questions when he did not know what the charge against him was. He stated that he did not believe the complaint made by Maggie Atkinson ("MA") was particularised. PH stated that he remembered the evening and he had not been rude or aggressive towards MA at the Committee meeting on 14 November 2017. He stated that he was simply acting as a member of the Council.
- 7 PH stated that he believed that MA was a very experienced public official and that she had been before House of Commons Select Committees in the past; as such she would be used to robust questioning. PH stated that he did not believe that he or his colleague Cllr Anderson ("TA") had been particularly robust on 14 November 2017.
- 8 PH stated that MA alleged that he and TA had hijacked the meeting. PH stated that the time for which he and TA spoke at the meeting on the item involved was very brief. PH stated that he addressed it very briefly in relation to the agenda item and the meeting of the Committee as a whole.
- 9 PH stated that it was ridiculous to make the allegation that he and TA had been "belligerent". PH stated that anyone with any experience of politics would not take the view that they had been belligerent. PH stated that MA seemed to be saying this merely because he did not accept her position. PH stated that he was his role as questioning decisions he sees as fundamentally incorrect.
- 10 PH stated that he did not actually ask any questions at the meeting of the Committee on 14 November 2017; he merely put on record his opposition to the decision not to publish the serious case review ("SCR"). PH stated that he believed that there was a public interest in knowing of the decision and he merely made that point. He stated that he then asked about training on child sexual exploitation ("CSE") picking up on a point that had already been made by Cllr Povall earlier in the meeting.

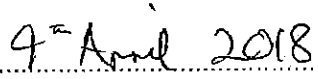
- 11 SG asked PH about the fact that the decision not to publish the SCR had been endorsed by the Department for Education. PH stated that Cllr Ian Lewis ("IL"), the leader of the Conservative Group on the Council had written to the Minister and received a response which he would send to SG. PH stated that the letter stated that it is for the Chair of the Local Safeguarding Board to make the decision. PH stated that the letter did not say that the Minister agreed with MA's decision. PH stated that he does not simply accept things which he is told without qualification or proof.
- 12 PH stated that the legal framework and guidance on SCRs is clear that they should be published, whilst protecting the anonymity of the victims. PH stated that there had been a public court hearing which had detailed what had happened in this particular case without the victim being named. PH stated that there was a lot of information already out there in the public arena. PH stated he could not see how a report could not have been published without identifying the victim. PH stated that frankly justice needs to be seen to be done. He stated that keeping the report behind closed doors had serious implications for the Safeguarding Board and the Council as to how it goes forward and prevents this type of thing happening again.
- 13 PH stated that he did not get from the complaint where the suggestion that he has previously attacked MA comes from. He stated that prior to the Committee meeting on 14 November 2017 he had only met MA at the Members' Children's Services Task Force ("CSTF"). He stated that he also did not understand the reference to Julia Hassall and where the evidence for that came from.
- 14 PH stated that the SCR had been discussed at the CSTF meeting. He stated that after the meeting IL had advised him that MA had approached him and told him to tell PH that matters discussed at the CSTF were confidential. PH stated that he had emailed MA to state that he took umbrage at this. PH stated that MA could have contacted him directly about that or stated it in the meeting to everyone. PH stated that he had been a councillor for more than 10 years and had never disclosed confidential information and he took exception to being singled out by MA.
- 15 PH stated that MA herself had stated in the CSTF meeting that she knew that she would be accused of "covering up" the SCR or words to that effect. PH stated that MA stated that she would speak to Kevin McAllum (The Council's press and PR officer) about it.
- 16 PH confirmed that he had issued a press release which stated, "The decision to keep this report under local and key will undoubtedly lead to accusations of a cover up." PH stated that this had already been suggested by MA herself at the CSTF meeting. PH repeated that he believed that justice needs to be seen to be done. PH stated that the Council's reputation and the reputation of those who work in child protection is damaged by the fact that the report has not been published.
- 17 PH stated that he did not discuss the issue with TA or IL prior to the Committee meeting, though he would have discussed it with IL after the CSTF meeting. He stated that he had no direct discussions with IL prior to the Committee meeting. PH stated that he thought that the complaint against IL was ludicrous and showed a lack of understanding of how local government works. PH stated that he receives no direction from IL on what to do on the Committee.

- 18 PH stated that TA was not a member of the CSTF and had not seen a copy of the letter from MA; he stated that even if he had he did not see how asking questions about the issues at the Committee could be a breach of the code of conduct. PH stated that members are there to question officers and others if they believe that decisions made were incorrect.
- 19 SG outlined the process that would follow including the possibility that the agreed note of the interview would be made public by the Council's Standards Committee.

Simon Goacher, Weightmans LLP
29 March 2018

I agree that this is a true and accurate record of the interview.

Signed.....
Cllr Paul Hayes

Dated.....

Wirral Borough Council

Weightmans reference: SG/186789/1

**Report of an investigation into allegations concerning the conduct of
Councillors Tom Anderson, Paul Hayes and Ian Lewis**

SG 7

Complaint about Councillors Tom Anderson, Paul Hayes and Ian Lewis – Wirral Borough Council

Note of interview with Councillor Bernie Mooney, 20 February 2018

- 1 The interview was conducted by Simon Goacher, Weightmans LLP (SG).
- 2 SG outlined the process that would follow and explained that, although ultimately if the matter reached the Standard Committee it could decide to hear the evidence in public, the investigation should be treated as confidential.
- 3 Cllr Mooney ("BM") explained that she had been an elected member of Wirral Borough Council ("the Council") for a total of nearly seven years (from 2011–2015 and then was elected again in 2017).
- 4 BM confirmed that she is the Council's cabinet member for Children's Services.
- 5 BM explained that she attended the meeting of the Council's Children and Families Overview and Scrutiny Committee ("the Committee") on 14 November 2017 as an observer, as she is not a member of the Committee.
- 6 BM stated that when she became cabinet member she wanted to depoliticise children's services. She stated that she set up a members' Children's Services Task Force ("CSTF"). BM explained that the complainant, Maggie Atkinson ("MA") had attended a couple of meetings of the CSTF to answer questions regarding a serious case review ("SCR"). BM explained that the CSTF had in place standing orders which required strict confidentiality; she stated that this was required to ensure that the CSTF could discuss difficult issues.
- 7 BM stated that the SCR involved a very confidential case and Cllrs Lewis ("IL") and Hayes ("PH") had attended at least three meetings with MA where the SCR had been discussed.
- 8 BM stated that at the Committee meeting on 14 November 2017 PH and Cllr Tom Anderson ("TA") asked questions of MA which they had already received the answers to orally and in writing. BM stated that PH and TA raised the questions merely so that they could bring the issue into the public arena. BM stated that this is something that they often do in order to use things. BM stated that PH and TA misled the public because the headlines in the media were about a whitewash. BM stated that TA and PH had stated this on leaflets which had been circulated in Wallasey Village.
- 9 BM stated that she did have a word about the media coverage with IL. BM explained that IL had stated that he knew nothing about it. BM stated that she had called him a liar in response. BM stated that nothing like the media coverage would have gone on without IL knowing about it.
- 10 BM explained that MA had attended a meeting of the CSTF on 20 September 2017 and had explained safeguarding services to members. BM stated that PH and IL were at that meeting. BM stated that MA explained what the SCR was, why it was not being published and that the Department for Education had approved that decision nationally because of the need to protect the confidentiality of the individual.

- 11 BM stated that she found this sickening. She stated that PH knew that the standing orders of the CSTF contained a confidentiality clause. She stated that PH knew what he was doing and used the case for political gains. She stated that she felt that was immoral.
- 12 BM stated that she felt that the way that PH and TA had treated MA, an independent person, at the Committee meeting was deplorable.
- 13 BM stated that Cllr Usher ("TU") who is the chair of the Committee had not been in that role for very long. BM stated that neither TU nor MA knew what to do when PH and TA started – it was totally unexpected. She stated that neither TU nor MA had come across a situation like this before; they were totally shocked and did not know what to do.
- 14 BM stated that the SCR involved a vulnerable person who was affected by the press coverage. She stated that the members involved had no consideration for the person or their rights.
- 15 BM stated that she believed that members should take advice from the specialists. She stated that the recommendations from the SCR were published and that should be enough.
- 16 SG outlined the process that would follow including the possibility that the agreed note of the interview would be made public by the Council's Standards Committee.

Simon Goacher, Weightmans LLP
3 April 2018

I agree that this is a true and accurate record of the interview.

Signed.....
Cllr Bernie Mooney

Dated.....

Wirral Borough Council

Weightmans reference: SG/186789/1

**Report of an investigation into allegations concerning the conduct of
Councillors Tom Anderson, Paul Hayes and Ian Lewis**

SG 8

Ref: 186789/1

Complaint about Councillors Tom Anderson, Paul Hayes and Ian Lewis – Wirral Borough Council

Note of interview with Councillor Thomas Usher, 20 February 2018

- 1 The interview was conducted by Simon Goacher, Weightmans LLP (SG).
- 2 SG outlined the process that would follow and explained that, although ultimately if the matter reached the Standard Committee it could decide to hear the evidence in public, the investigation should be treated as confidential.
- 3 Cllr Usher ("TU") explained that he had been an elected member of Wirral Borough Council ("the Council") since May 2016.
- 4 TU confirmed that he has been chair of the Council's Children and Families Overview and Scrutiny Committee ("the Committee") since May 2017. TU confirmed that he chaired the meeting of the Committee which took place on 14 November 2017.
- 5 TU stated that he believed that the actions of Cllrs Hayes ("PH") and Anderson ("TA") at the meeting of the Committee on 14 November 2017 had been a political move and was disappointed that they would do this at a meeting of the Committee. TU stated that he was aware that they had already had answers to the questions which they had raised at a previous meeting.
- 6 TU stated that he had been in the same room with PH in July 2017 when PH had asked the complainant Maggie Atkinson ("MA") who would see the serious case review ("SCR") about a case involving child sexual exploitation ("CSE"). TU stated that MA had told PH that she was not minded to publish the SCR but that would be raised with the Department for Education ("DfE"). TU stated that he was aware that the DfE had confirmed the decision not to publish and that PH had been advised of that decision.
- 7 TU stated that he was aware that PH had received full answers to his questions in lengthy correspondence between him and MA.
- 8 TU stated that he believed that there was nothing wrong with asking to see outcomes of the SCR. TU stated that the Committee would probably look at the outcomes and progress report in due course. TU had been told by MA that no matter what decision was made about the full report, outcomes would be published. PH was present when this was said. TH stated that MA had been questioned at an earlier Children's Services Task Force ("CSTF") about the decision not to publish the SCR and she had fully explained her reasons.
- 9 TU stated that MA had also been asked about the decision not to publish the SCR at a workshop for members on CSE and again she had given full and valid reasons; that to identify any individual would be illegal and distressing. TU stated that the DfE had backed up that decision and MA's justification for it.
- 10 TU stated he believed that PH and TA were trying to peddle a story in the media of a cover up but this was a decision made by an expert for good reasons to protect an individual.

- 11 TU stated that PH and TA caught everyone off guard at the meeting. TU stated if he had anticipated that these comments were politically motivated in time, he would have stopped them he is a relatively new chair. TU stated that he had discussed it later with MA and had said something along the lines of it being unacceptable behaviour by TA and PH.
- 12 TU stated that it only became clear after the meeting what PH and TA intended to do with the answer that they got from MA. TU stated that it was only after the comments had been made, that the motivations for the comments became clear. He stated that MA gave a robust answer. TU stated that it was too late to stop them. TU said that also in hindsight if he had stepped into stop the questions it may have made things worse if PH and TA wanted to peddle a story of a cover up.
- 13 SG asked how TU knew that TA knew the answers to the questions before he asked them at the Committee meeting. TU stated that he could not be sure that TA knew, as he had not been present at any other meetings with TA where the issue had been discussed. TU stated that he would find it almost impossible to believe PH and TA had not spoken about this issue before the Committee meeting. TU stated that he thought that it was an irresponsible thing to do when they knew that they would cause harm to an individual given what that person had gone through.
- 14 SG outlined the process that would follow including the possibility that the agreed note of the interview would be made public by the Council's Standards Committee.

Simon Goacher, Weightmans LLP
3 April 2018

I agree that this is a true and accurate record of the interview.

Signed.....
Cllr Thomas Usher

Dated.....

Wirral Borough Council

Weightmans reference: SG/186789/1

**Report of an investigation into allegations concerning the conduct of
Councillors Tom Anderson, Paul Hayes and Ian Lewis**

SG 9

5th December 2017

to Mr P McCourt

my ref
service Wirral Safeguarding Children Board
tel 0151 6664314
email davidrobbins@wirral.gov.uk
secure david.robbins@wirral.gcsx.gov.uk

Please ask for David Robbins WSCB Manager

Dear Mr McCourt,

After long deliberations as to whether I should write this letter I am now writing to complain formally about the conduct at a public Scrutiny meeting of two Elected Members of Wirral Council, namely Councillors Anderson and Hayes. This conduct took place at the meeting of the Children's Scrutiny Committee on the 14th of November. By implication given they speak for a Group at such meetings, I am also naming in this formal complaint Councillor Lewis, under whose leadership these Members serve.

As Chair of the Wirral Local Safeguarding Children Board, it is part of my legal remit to hold Elected Members and the Council as a body to account for their contribution to safeguarding children, including the most vulnerable. I am a partnership appointee, though the host body is the Council. My Board is nevertheless independent of the Council and all other statutory agencies, whose membership of the Board aims to enable all agencies to account for their work on this crucial subject. As a courtesy, the Chair of the committee and I have approved a MOU between my Board and the Scrutiny Committee for children's issues. As part of fulfilling this MOU, I was at the 14th of November meeting to present and discuss my Annual Report for 2016-17. I must stress at this point that the Scrutiny Committee has no formal remit to assess, call in or challenge the WSCB. This fact is important contextually.

You need to know the timings and sequences of events ahead of that meeting so you can see how justified my complaint is, so please bear with me in reading the details below.

In late September, I was asked to meet with the Members' Taskforce, a cross party body set up to ensure transparency across all Groups and relevant senior Officers regarding necessary improvements to children's services. I was there to explain what a LSCB is and does, and to place the work of the Board – itself judged Inadequate by Ofsted under my predecessor - in the broader context. I was directly asked at that meeting about the Serious Case Review on Child H, as a victim of the Sexual Exploitation crimes committed in Birkenhead over many years, starting when she was a child. I made it clear that, on legal advice, and in spite of the independent author's most strenuous efforts to make the report publishable without risking identification of the young woman at its centre, publication would risk that identification. Such "allowing identification" constitutes a criminal offence, given she was the victim of a sexually motivated and horrifically

exploitative crime. I was equally clear at that meeting that I would publish the recommendations and action plan, and that all agencies with lessons to learn would be held firmly to account by me as Chair.

Councillor Hayes was angry that I had reached that conclusion, which had by then already been backed by the SCR National Panel at DfE which answers directly to ministers - to whom, incidentally, as DfE informs me, Councillor Hayes and others regularly though fruitlessly write to ask that government imposes a Trust on Wirral's Children's Services.

In response to a long list of questions the Councillor then asked me in writing, on 03/10/2017 I sent him the attached confidential and highly sensitive but duly detailed letter which he, the Chief Executive, the Lead Member for Children and all the Group Leaders then received. It answers all his questions and affirms that my decision not to publish stands. Councillor Hayes was made aware at the time that this list of recipients would be given copies. I insisted on strict confidentiality as part of my constructing my response, an insistence to which Councillor Hayes chose to take personal offence, accusing me of questioning his honour as a Member. I was doing no such thing and said so.

On 14/11/2017, in a public Scrutiny meeting and therefore because one of your residents films all such meetings, on camera, and in spite of the letter attached having already answered both his and others' questions – albeit not to his Political satisfaction, which is a different issue – he and Councillor Anderson in effect hijacked the meeting. I had gone to present my annual report. They proceeded to put questions that they and their Leader knew my letter 03/10/2017 had already answered, asking me for responses in a frankly belligerent fashion. The rest of those at the meeting, including the Chair, were so thrown by this attacking approach that none of us had the foresight to address the Chair and ask for Part 2 to be declared and the room cleared. That is our shared fault, and a matter I deeply regret. I let myself be thrown by the attack, and instead of refusing to do so, answered their questions and stuck to my decision, despite their approach becoming ever more heated and aggressive. That this was an attack, and by no means the first by these Members from my reading and understanding since I arrived in January, is a more serious issue by far for the Council than my discomfort in this matter.

Because the meeting was public, these 2 Members subsequently decided that approaching the press to allege a cover up and "secrecy" on my part was appropriate and justified, and presumably in line with both the 7 Nolan Principles governing the work of all those in Public Life, and the Council's Members' Codes of Conduct, which I assume your Members are required to sign and therefore to follow. As an experienced Local Government officer who has also filled national roles, I could not disagree more. They behaved in an entirely indefensible way, given they already had the answers to the questions they asked.

My complaint therefore is in three parts, as follows.

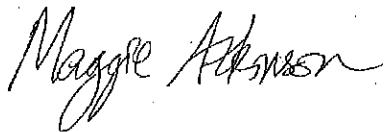
1. The named Councillors, and by default their Group Leader under whose authority they represent their Party, knew the answers to their questions before they asked them and were therefore acting entirely disingenuously and in a fashion that potentially brings their roles into disrepute because they knew those answers and the reasons for my decision, yet asked again anyway in a public forum in order to try to use the borough's children as political pawns.
2. Despite the Nolan Principles binding all who serve in Public Life, they acted entirely against all seven of them in behaving in the way they did.
3. Their approaches to the region's media placed the young woman concerned, who continues to be supported by mental health and other services as she recovers from her ordeal and who is trying to rebuild her life, were simply opportunistic and deeply ignorant of her needs. That the media has then also, yet again, raked over

the departures from their posts of both Julia Hassall and the former Lead Member for Children, both of whom are deeply distressed as are their families, is frankly unforgiveable.

The opportunistic and blocking behaviours of these Members are not confined to their attempt to undermine me and the legal processes over which the LSCB presides at that meeting. At the same meeting, the same councillors also sought to make capital at the Acting DCS's expense regarding necessarily reconfigured Children's Centre provision. They are also on record as having caused your council to hold a total of 9 Extraordinary Meetings this year on the basis of their calling in and forcing full council discussions on key decisions. They are, if you will forgive an experienced outsider's observations, a danger to the smooth running of democracy in your borough. They appear not to be held to account. I have the remit to do that holding, but I cannot achieve better behaviours in your organisation, which I hold to account, on my own. Neither can my Board. Hence this approach.

I look forward to hearing from you regarding your actions with these Members. Their approach seems to me, as a seasoned Officer in several councils during my career, to be as close as I have ever witnessed to a deliberate attempt both to undermine democracy, and to use the vulnerable in your borough for their own Party Political ends. I view both in the dimmest possible light.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Maggie Atkinson'. The script is fluid and cursive, with the first name 'Maggie' being more prominent than the last name 'Atkinson'.

Maggie Atkinson
WSCB Independent Chair

Letter to Councillor Hayes attached.