

Nottinghamshire County Council
Children and Young Peoples Department

Hearing Convened Under Nottinghamshire County Council's Disciplinary Procedure held on 22nd October 2007

Adjudication

Chair of Panel	Carol Jones, Service Head, Children and Young Peoples Department
Panel Member	Sandra Warner, Service Manager, Children and Young Peoples Department
Personnel Advisor	Sue Jeffery, Human Resources Officer
Presenting Officer	Jean Miller, Service Manager, Children and Young Peoples Department
Witnesses	Rob Taylor, Groups Home Care Manager, Investigating Officer Thirza Smith, Manager, Clayfields Marian Head, Unit Manager, Clayfields Tracey Dunmore, Residential Social Care Worker, Clayfields Lecki Tizzard, Residential Social Care Worker, Clayfields Sharon Miller, Residential Social Care Worker, Clayfields Keith Briars, Advocate for young people
Subject	NO-F224 Senior position Clayfields
Representative	Name Redacted, UNISON

1. Background

NO-F224 was suspended on **DPA** 2006 following an allegation received from a former resident at Clayfields that **NO-F224** had inappropriately touched him and slapped him. There was a further allegation of **NO-F224** falling asleep on duty and complaints from young people that **NO-F224** had made inappropriate comments to them. An investigation was commissioned into the allegation which was conducted by Mr. Rob Taylor, Groups Home Care Manager, Minster View. The outcome of a strategy meeting and initial investigation under Chapter 4 of the Interagency Child Protection Procedures did not lead to the allegation that **NO-F224** inappropriately touched and slapped a young person being pursued.

2. The Hearing

At the hearing the panel had access to the management statement of case including appendices and **NO-F224** statement of case including appendices. Before the hearing the panel were concerned that the investigative report had not been circulated and that there was some confusion about the issues that the panel were being asked to consider. With the agreement of both sides the hearing was delayed to allow **NO-F224** and his representative and the panel to read the investigative report. It was also agreed that the issues that the panel were being asked to consider were:

1. Inappropriate responses towards young people
2. Poor management of challenging behaviour
3. Falling asleep on duty on 2nd August 2006

The Complaints

During July/August 2006, 4 complaints were received from young people at Clayfields. These complaints focused on his alleged lack of sensitivity, use of inappropriate language and/or phrases and inflammatory responses whilst managing volatile situations. The panel heard in detail about the complaints. The panel did hear from Mr. Taylor that [NO-F224] had largely accepted that some of his responses were inappropriate and [NO-F224] stated that with hindsight and now he has reflected on his actions, he would have handled the situations differently.

With regard to the allegation of falling asleep [NO-F224] has stated that he did fall asleep on 2nd August 2006 but that it was only a matter of 15-30 seconds and that no young people were there. This was corroborated by witnesses.

Conclusion

The young people cared for at Clayfields are amongst the most vulnerable in our society. Staff have a duty of care which involves ensuring that they are cared for in ways that reduce tensions and behaviour which can affect the emotional and physical safety of themselves, their fellow residents and staff. The evidence presented today showed that this has not always been the case in respect of [NO-F224] professional conduct. Panel heard examples that evidenced inappropriate responses.

The panel decision was to issue a formal warning in respect of:-

- Inappropriate responses towards young people
- Poor management of challenging behaviour

The panel noted what [NO-F224] had said in terms of his willingness and capacity to change in relation to these issues. However evidence presented to the hearing in supervision documents indicated that this has not been the case in the past. The panel stated that they would expect that all the recommendations cited in the investigative officer's report are implemented especially in relation to the management of [NO-F224]. They outlined that they would expect a clear action plan for [NO-F224] and a formal monitoring process be put in place. They reminded [NO-F224] that he had a responsibility to engage fully in these processes.

In respect of the time keeping issue the panel understands that this issue was being dealt with within the attendance management procedure and therefore an outcome from this hearing was not appropriate.

With regard to the allegation of falling asleep [NO-F224] did admit that this did occur but only for a few seconds and this was confirmed by witnesses. It is not the panel's intention to issue a sanction in respect of this issue. However the panel stated that there is a clear expectation that [NO-F224] arrives at work sufficiently alert and fit for purpose.

Carol Jones, Chair of disciplinary hearing