

### The management of human resources issues

#### Employment practices, 'dangerous employees', and the paramountcy of the welfare of the child

- 3.17 It is clear from the chronology to this report and the documentation studied by the reviewers that there were a number of staff at Chestnut Road whose employment history was less than satisfactory. Also significant in these cases was the 'relaxed' or 'accepting' attitude taken toward resolution of difficulties, and prolonged periods of managerial inactivity and /or suspension of the individual. The reviewers gained the impression that for some senior managers and human resources professionals 'justice' for the employee appeared more important than the safety and welfare of children, although perhaps perversely, the pursuit of a just outcome took so long to achieve that this in itself could be viewed as representing an injustice. The reviewers were also very concerned that the importance and requirements of both the Warner Report and Children in the Public Care in respect of safe employment practices had apparently not impacted upon the Council. Two notable exceptions to this observation were the Service Manager and the Unit Manager with responsibility for Chestnut Road.
- 3.18 In order to illustrate the above the case of the employee [LA-F39] is instructive (see CHILE report (undated):

[LA-F39] began working for Lambeth Council 1990. There were a number of omissions from his application form. He was 35 years old but did not reveal any previous employers. A recruitment panel including a human resources professional interviewed him on [DPA] 1990. No job description or person specification was available on the personnel file. A letter of appointment to the post of RSW 1 at South Vale Assessment Centre was dated [DPA] 1990, conditional on references, medical clearance and satisfactory police checks. His application form contained one admitted conviction for robbery. A police check received on 18 June 1990 detailed seven offences, ranging from robbery to unlawful wounding through to burglary and theft, occurring between 1971 and 1979. The offences were committed between the ages 17 years to 25 years and one resulted in a prison sentence of five years. Three days after receipt of this information a letter of appointment was authorised and [LA-F39] took up the post on [DPA] 1990. In 1995, with the closure of the South Vale Centre, he was to have been made redundant but was offered a post at Monkton Street Respite Centre. The re-deployment process did not include disclosure of previous convictions; therefore his new manager was not aware of his history. This resource also closed and [LA-F39] was relocated to the sister unit, Chestnut Road Respite Centre.

[LA-F39] was suspended from duty on [DPA] 1998, after the allegation from a parent that their child had disclosed sexual abuse and named him as the perpetrator. The reviewers noted that concerns of a child protection nature had been voiced prior to this allegation.

The minutes of a Planning Meeting in 1992 detail a number of allegations against [LA-F39] at South Vale. These concerned the rough handling of adolescent boys in an attempt to control behaviour, i.e. pulling by the arm, pushing and shouting. [LA-F39] denied all the allegations and no action was taken. In 1993

[LA-F39]'s supervisor carried out an investigation into allegations at [Other Lambeth institution] Children's Home. It was alleged that [LA-F39] had used physical force to move a teenager to her bedroom up the stairs. Although other staff witnessed the latter incident, the result of the investigation was 'inconclusive' as witnesses' statements were not consistent. There is no record of any action taken.

The most recent concerns leading to the suspension involved complaints from parents that something had happened to their children while receiving respite care at Chestnut Road. The first child made a complaint to his mother and the second parent came forward after a letter to all parents regarding [LA-F39]'s suspension. Both cases were investigated, although complicated by the children's difficulty in communicating what had happened to them. The result was again inconclusive and the Child Protection Report found no firm evidence to form the basis of either criminal prosecution or a disciplinary hearing.

A report of risk assessment (undated) on the individual was carried out for the Executive Director of Social Services by the Council's Children Homes in Lambeth Enquiry team (CHILE). It concluded that:

- *"something frightening did happen to the children.....the investigation should not be reopened as it would be abusive to the children"*
- *"the management report .....suggests disciplinary action"*
- *"there is enough evidence to prevent [LA-F39] returning to his substantive post ...risk he poses to vulnerable children.....consideration to be given to future references"*
- *"why previous convictions were not revealed should be the subject of ongoing investigation"*

CHILE recommended that an urgent strategy meeting be undertaken with a view to considering disciplinary action. However, ultimately it was concluded that because the Authority had confirmed [LA-F39]'s appointment knowing that he had provided misleading information about his criminal convictions and had subsequently redeployed him twice; because allegations against him had not been proved conclusively; and because of the long delays between initial suspension and conclusion of the investigations he should not be subjected to a disciplinary hearing, but should be offered redundancy alongside other Chestnut Road staff. It was agreed that references would be 'minimal'.

In light of the above and events previously described in the chronology consideration is given to the following issues:

#### Failure to recognise the significance of employee offences

- 3.19 Throughout the scenario described above it appeared to the reviewers that some senior managers of the Directorate had been oblivious to the potential danger that a convicted criminal with offences such as those committed by [LA-F39] posed to vulnerable children. As can be seen the appointing officer was perfectly aware of the convictions from as early as June 1990 and was also aware that [LA-F39] had falsified his declaration in respect of these – in itself a serious matter. Again in 1995 a decision was taken to re-deploy [LA-F39] when the opportunity presented itself for his departure on the basis of redundancy.