

<b>DECISION MAKER:</b>	CHILDREN AND FAMILIES SCRUTINY PANEL
<b>SUBJECT:</b>	AN INVESTIGATION INTO THE WHISTLEBLOWING COMPLAINT WITHIN CHILDREN'S SOCIAL CARE SERVICES IN SOUTHAMPTON CITY COUNCIL AND LEARNING REPORT
<b>DATE OF DECISION:</b>	27 AUGUST 2020
<b>REPORT OF:</b>	CHIEF EXECUTIVE

<b><u>CONTACT DETAILS</u></b>			
	<b>Title</b>	CHIEF EXECUTIVE	
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<b>STATEMENT OF CONFIDENTIALITY</b>		
None		
<b>BRIEF SUMMARY</b>		
To report on the service improvement learning deriving from the investigation into the whistleblowing complaint within the children's social care services in Southampton City Council.		
<b>RECOMMENDATIONS:</b>		
	(i)	To note the report and its recommendations.
	(ii)	To note the draft action plan developed by the directorate management team in response to the report.
	(iii)	To note the requirement to link any actions arising from this report to the 2020 Ofsted Children's Improvement Plan and that any future reporting to the council be included in that plan.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>		
1.	The recommendations reflect the necessary next steps in good business practice arising from this matter.	
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>		
2.	This is a report on the outcome of a whistleblowing report and arising actions for the council services to take. There are no alternative options to consider in such matters.	
<b>DETAIL (Including consultation carried out)</b>		
3.	On 27 January 2020, a collective grievance was submitted by the Unite the Union branch secretary on behalf of 31 managers and staff alleging dangerous practices, unsafe decision-making and a hostile work environment created by senior managers in the directorate. The council commissioned Malcolm Newsam, on 10 February, to undertake an independent investigation into these complaints.	

The investigator clustered the complaints into the following headline areas:

1. The service is failing to keep children safe due to poor and dangerous decision making
2. Management issues related to failing to keep children safe
3. Deliberately misleading the regulator Ofsted
4. The use of agency workers and consultants
5. A culture of fear has been allowed to grow in children's services
6. Creating a loss of trust and confidence in Southampton City Council by partner agencies

The report to be considered today is a 'learning report' that summarises the situation and triangulates several review-based reports and pieces of work undertaken in 2019-20 including the following:

### **1. An 'Appreciative Inquiry'<sup>1</sup> that was completed and in September 2019**

The Chief Operations Officer commissioned a confidential AI because of concerns raised in the service in the context of:

- In year budgetary issues leading to a forecasted substantial over-spend
- The compounded impact of also needing to identify forward savings as part of the MTFP process
- A critical resourcing issue regarding social workers where case-loads are much too high
- Service failure issues at the front door which whilst corrected there, are causing a critical bulge effect as they roll through the service
- Intense preparations for an impending Ofsted inspection

The conclusions of the AI highlighted several factors contributing to the service culture of concern and disengagement that required the senior management of the directorate to address. The report highlighted:

- The 'leadership community' of the directorate operating with 'panic' and 'chaos' and a strong perception that this behaviour was 'driven by the fear that any future Ofsted inspection would find the service had improved little or not at all since its previous inspection'.
- An internal audit report at the beginning of 2019 which followed an inspection undertaken by 'Partners in Practice' (LB Ealing) and highlighted operational failures.
- Systemic failure over a prolonged period prior to January 2019 and a strongly held view that the shortcomings had not been responded to by managers in the service.

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<sup>1</sup> **Appreciative Inquiry (AI) - The principles of AI seek to establish how current staff-led activities can be improved and what can be learned. It allows difficult issues to be tackled openly, honestly and responsibly. It requires participants to face the reality of the present state and what needs to be done as an individual and team member to create a better way of doing things/ performing / behaving. It demands**

honesty, openness, willingness to challenge the status quo, letting go of the worst of the existing approach and personal accountability and responsibility.

- Additional resources in the form of the Improvement Team and the Project Teams were welcomed but the way they were deployed caused confusion, resentment and disconnect from the potential solution.
- A sense that senior management of the directorate created a culture of compliance rather than positive commitment to the proposed way forward because of inconsistent action and 'constant shifting of tactics, priorities and no time for consolidation'.

## **2. Ofsted Inspection visit Nov. 2019 report published January 2020**

The Ofsted In Inspection of children's social care services was undertaken between the dates: 18 November 2019 to 29 November 2019. A copy of the report can be found at <https://files.ofsted.gov.uk/v1/file/50141245>.

In conclusion the report found that progress in improving services for children in Southampton since the last inspection in 2014 had been 'uneven and too slow'. Whilst recognising that some children benefit from skilled interventions and direct work that reduces risks to them and improves their daily lived experiences improvements are still required.

The frequency and regularity of management oversight and supervision of social workers was seen as having improved along with substantial improvements having been made in services for care leavers and in developing an effective, comprehensive and integrated network of early help and prevention services.

More children and families were seen to be receiving skilled help quickly and disabled children, and children who go missing and are at risk of exploitation, receive effective help. Support for children on the edge of entering care was also cited as more effective. It was also noted that 'senior managers have retained a largely stable and relatively experienced establishment of frontline social workers. However, there were areas identified for improvement and these are subject to the separate report at this meeting on the Ofsted Improvement Plan.

## **3. Whistleblowing complaints submitted January 2020**

Malcolm Newsam CBE was appointed in February 2020 to investigate the complaints. The terms of reference were agreed with Trade Unions and the detailed investigation included: 26 interviews (supported by the internal audit partnership), a comprehensive document review with access to electronic files and a full management report completed.

The learning report to be considered by Scrutiny was commissioned to triangulate the three assessments and the service improvement outcomes that could be gathered from those separate confidential statutory processes and is attached at Appendix 1. The draft action plan (Appendix 2) has been developed by the Directorate Management Team (DMT) and will be a 'living' document that is owned, worked on and reviewed by the colleagues across the directorate. This document will also be a part of the overall improvement plan for the directorate and that this scrutiny panel will continue to have oversight of.

<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
4.	The independent investigation and all reports have come at a cost of £25,000.
5.	The implementation of the action plan arising from this report will require revenue and capital which will be met from the agreed budgets. Any further investment required will be reported through normal business case governance and/or annual budget setting processes.
<b><u>Property/Other</u></b>	
6.	There are other resource costs arising from the human resources required in the organisation to undertake the original brief, procurement, liaison with the investigator and all other consultation work during the undertaking of this investigation.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
7.	S. 1 Localism Act 2011 empowers a Local Authority to do anything required to deliver its functions (including management and administrative functions) subject to there being no statutory prohibition against the action taken. The proposals in the report will be delivered through the current national legislative framework and the governance of the council including via the Constitution and supporting business processes.
<b><u>Other Legal Implications:</u></b>	
8.	The reviews have been prepared having regard to the Equality Act 2010, in particular s.149 the 'Public Sector Equality Duty' and the Data Protection Act 2018 and supporting subordinate legislation.
9.	The AI and Whistleblowing investigation reports were commissioned confidentially and for separate statutory purposes. Those reports cannot be disclosed as a duty of confidentiality is owed to the contributors under the relevant legal obligations relating to each. However, it is important that Scrutiny can consider the operational and organisational learning identified following the outcome of those processes and it was for that purpose that the separate, learning report, was commissioned to enable service improvement to be scrutinised and for stakeholders to understand the background to the issues underpinning the service improvement and learning recommendations without breaching any legal obligations of confidentiality.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
9.	Any detailed risks associated with the content of this report are managed as part of the annual business planning for the Directorate of Children and Learning. The Directorate Management Team will be the accountable paid executives who will ensure reporting and escalation of these, if relevant, to the Executive Management Team in order to include them on the corporate risk register.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
10.	This report and draft action plan are an important contributor to achieving the outcomes desired for children in Southampton.

	<p>The Corporate Plan 2020 sets out the following regarding the wellbeing of children in the city:</p> <p>“Working with partners to deliver the ambitions set out in the five-year Health and Wellbeing Strategy, this area looks at wellbeing across the city, with a focus on adults and children’s social care, education and public health. We work closely with partners to help safeguard vulnerable people across the city. We are focused on delivering strong customer experience across the Adults and Children &amp; Families services. We want Southampton to be a city that is recognised for its proactive approach to preventing problems and intervening early, as well being a ‘Child Friendly City’ where children and young people have great opportunities and an aspiration to achieve. We want our residents to have the information and support they need to lead safe, active, healthy lives and to be able to live independently for longer.”</p>
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<b>KEY DECISION?</b>	No
<b>WARDS/COMMUNITIES AFFECTED:</b>	All Wards
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Learning Report by Malcolm Newsom
2.	Draft Action Plan

**Documents In Members’ Rooms**

1.	None.
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**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	No
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	No
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**Other Background Documents**

**Other Background documents available for inspection at:** N/A

	<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	N/A	
2.	N/A	