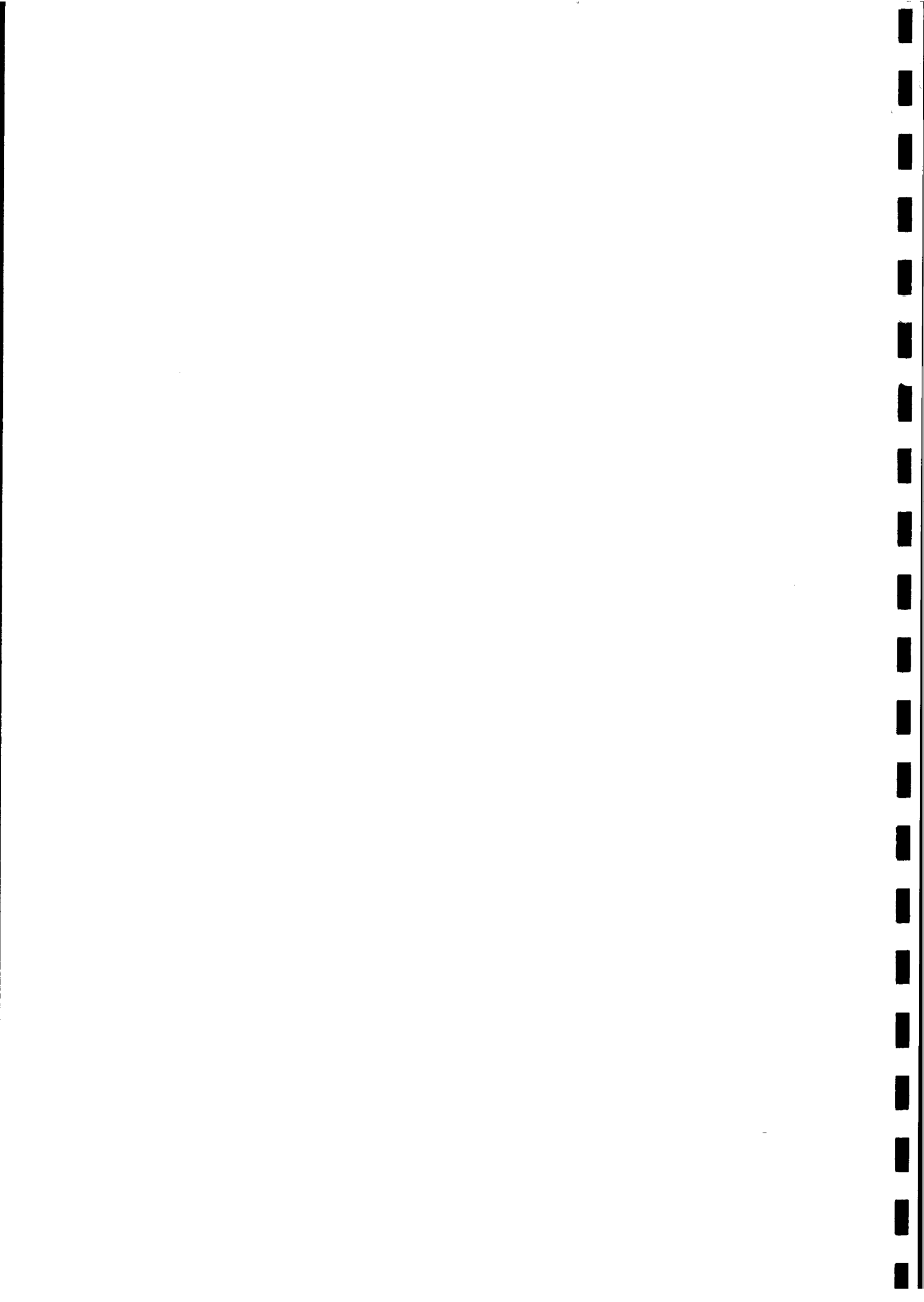


THE LEEWAYS INQUIRY

REPORT



MEMBERS OF THE PANEL

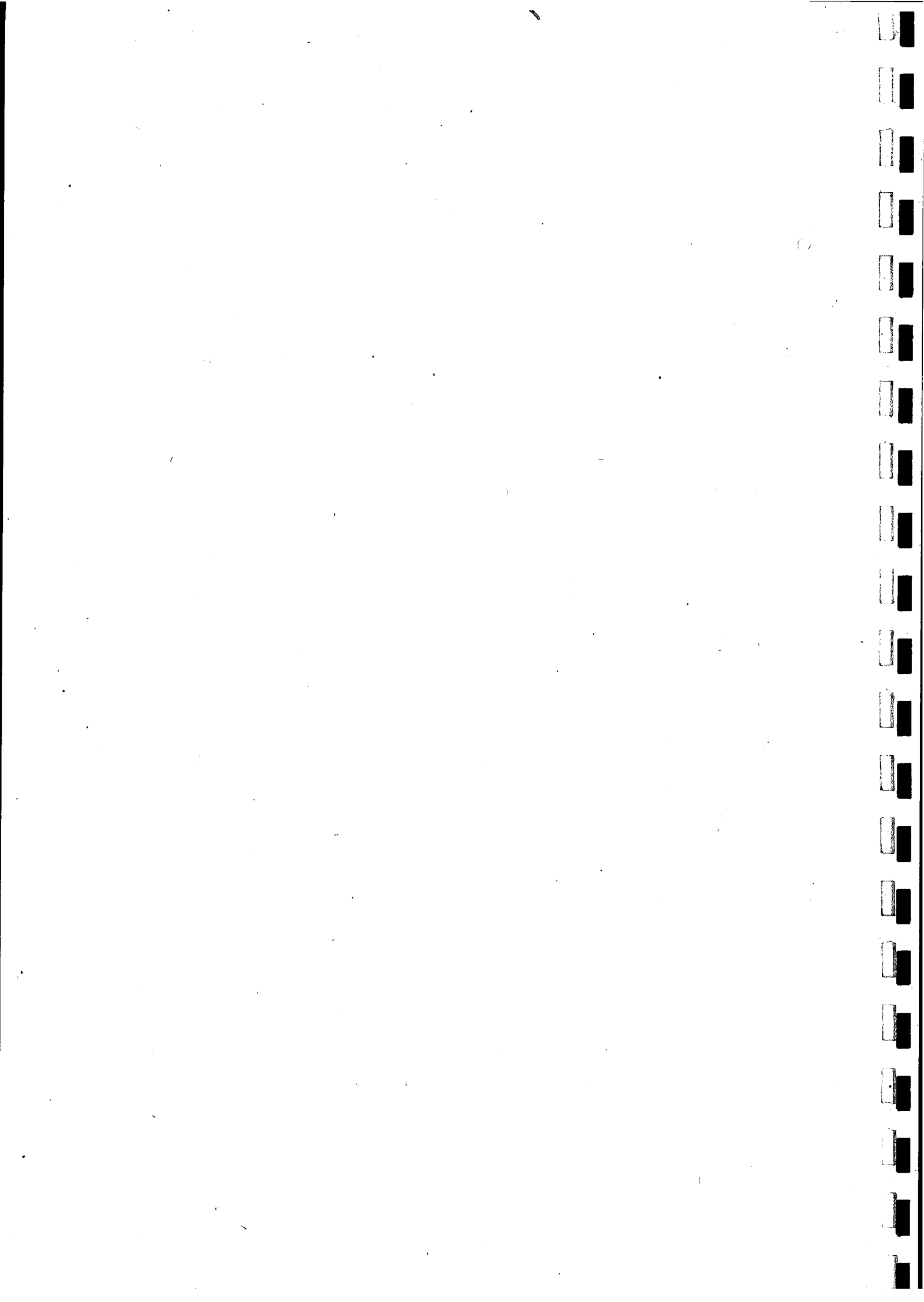
Elizabeth Lawson, Barrister

Kenneth Ambrose, Management Training and Development
Consultant

Richard Clough, Secretary of the Social Care Association

CORRECTIONS TO CROSS REFERENCES

<u>Page</u>	<u>Para. No.</u>	
36	5.28	For para. 5.17 substitute para. 5.15.
61	11.4	" " 10.7 " " 9.7.
66	12.2	" " 16.3 " " 15.3.
70	12.11	For Section 20 substitute Section 18.
83	16.1	" para. 12.6 " para. 11.6.
97	18.4	" " 15.3 " " 14.3.
121	29	The cross reference is to para. 17.4.
121	30	The cross reference is to para. 17.5.



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APPENDIX 1

APPENDIX 2

TERMS OF REFERENCE

On the 4th June 1985, Mr Cooper, the officer-in-charge at Leeways Children's Home was convicted of various offences involving indecent photography of young children. The London Borough of Lewisham Social Services Committee decided to set up an independent inquiry into the case. Its terms of reference were:

- (i) to discover the facts about the events at Leeways, some or all of which were the cause of the arrest of the officer-in-charge;
- (ii) to consider how these could have continued over the relevant period without detection;
- (iii) to identify what measures need to be taken to ensure that similar occurrences do not happen in future;
- (iv) to report on the above and any other relevant matters to the Social Services Committee as soon as possible.

These terms were not intended to be restrictive and we have tried to look beyond the particular abuse which occurred in this case and to identify matters which would have prevented any abuse of children in Lewisham's care, whatever its nature, from coming to light.

1. INTRODUCTION

OUR PROCEDURES

- 1.1 It was decided that the enquiry should open and close in public and that its report should be published. All the evidence, however, has been taken in private, on the basis that it would be confidential to the inquiry. We organised our procedures to try and ensure that such confidentiality was preserved. We are aware that many witnesses have themselves disclosed that they have given evidence to us, and may have discussed their evidence with others. No such disclosure has been made by the panel.

THE EVIDENCE

- 1.2 We have had, of course, no power to compel witnesses to attend. We appealed for witnesses to come forward at our public opening session and advertised in the national and social work press for anyone with information to give to come forward. We also invited a number of people by letter or telephone to contact us when we felt that their evidence could be helpful. Over a period of eighteen days, we have interviewed 64 witnesses, some of them more than once. We received written submissions from

a further 13 witnesses who either did not wish to give oral evidence or were not seen by us because their evidence was of a general nature or related to other establishments outside Lewisham. We have also read a substantial quantity of written material, including the files on the children involved.

1.3 There was understandable public concern about our decision to hear the evidence in private. We therefore wish to record that we have received the fullest co-operation from all sides, and that there is no material witness whom we wished to see whom we have been unable to interview. We are convinced that, by sitting privately, we have heard evidence that would never have come to light had we sat in public or allowed an adversarial form of questioning. We would certainly commend this form of procedure to other similar inquiries.

1.4 One of the matters which caused us most anxiety, was whether or not we should systematically attempt to see the children who were in Leeways, other than those who came forward voluntarily. We are very much aware that the children's point of view is very often overlooked in inquiries such as these. Despite this we decided not

to do so for three main reasons:

- (i) we felt that we had enough evidence from other sources to enable us to reach our conclusions without seeing the children. This included all the material which had already been obtained from interviews with the children, the files on the children and the oral evidence which we did receive.
- (ii) Almost all the children who are still under age, especially those known to have been photographed, had already been seen by their social workers and given the opportunity to discuss their experiences with a trusted adult, if they wished.
- (iii) Some children clearly had no conscious recollection of anything that occurred, and may be unharmed by it. For other children the evidence suggests that that may not be the case. We therefore decided that subjecting the children to further questioning about the events would probably do more harm than good.

Our conclusions regarding the children are to

be found in sections 6 to 7 below.

1.5 Another concern about such inquiries is that every person with a grievance against the Social Services Department will come forward with exaggerated claims. That has not been the case. Having regard to much of the lurid publicity which the case attracted at the time, we have been impressed by the moderate nature of the evidence we heard. Similarly, and rather to our surprise, we have not been inundated with evidence and submissions from pressure groups.

1.6 There is one exception to our general rule that the identity of the witnesses should remain confidential. Mr Cooper has co-operated fully with our inquiry. In fairness to him, it seemed right to point out where he challenged the evidence of other witnesses. This could not be done without it being obvious what our source was. He has therefore consented to our disclosing his involvement and identity.

HINDSIGHT

1.7 We have tried to bear in mind throughout our inquiry that all the witnesses have spoken to us with the benefit of hindsight and that

our own perception is inevitably coloured by that most useful attribute. We have also borne in mind that Leeways was not the only home with which the Social Services Department and the Residential Services Division were concerned.

OUR APPROACH

- 1.8 The local authority has a statutory duty to give first consideration to the need to safeguard and promote the welfare of the children in its care. Children are removed from their homes by the local authority because they are at risk there. The local authority must provide, and be seen to provide, a better standard of care than the natural family. It cannot therefore employ people who put children at risk from any form of child abuse. We have accordingly approached our task on the basis that it is not acceptable for paedophiles to be employed in residential child care.
- 1.9 Although there was a considerable measure of agreement about much of the evidence we heard, we have also had to resolve conflicts in the evidence of witnesses with different recollections of events. We have tried to synthesise the evidence we have received to try and give as accurate a picture as we can of the

key events, without necessarily indicating at each point where the evidence conflicted. We are satisfied that almost all the witnesses we have heard have told us the truth so far as they recall it.

1.10 Ultimately the conduct of the individuals concerned and their collective decisions and responses must be judged by reference to the statutory obligation to which we have referred. We have therefore kept at the forefront of our deliberations the simple question:

"Were the interests of the children placed first?"

2. THE CONVICTIONS

2.1 On the 4th of June 1985, Mr Cooper pleaded guilty to the following offences:

- (i) On a date unknown in 1979, he took indecent photographs of a child under 16.
- (ii) On a date unknown in 1979, he distributed to Robert Dean a quantity of indecent photographs of a child under the age of 16.
- (iii) On a date unknown in 1982 he took indecent photographs of a child under 16.
- (iv) On a date unknown in 1982 he distributed to Robert Dean a quantity of indecent photographs of a child under the age of 16.
- (v) On a date in 1982 he took indecent photographs of a different child under the age of 16.
- (vi) On a date in 1978 he incited J, a child under the age of 14 years to commit an act of gross indecency with M.

- (vii) On a date in 1978 he incited M, a child under 14, to commit an act of gross indecency with J.
- (viii) On a date between the 1st January 1978 and the 31st December 1979, he indecently assaulted S, a boy under the age of 16 years.

He was sentenced to a total of 4 years' imprisonment. These were specimen charges. Mr Cooper had about 34 indexed albums of indecent photographs and a large number of loose ones, the majority of which were of boys who had been at Leeways. Charges (v) and (viii), however, did not involve children who were at Leeways. All these charges were based on Mr Cooper's own admissions to the police.

2.2 It is important to emphasise that these offences did not come to light because of any complaint by a child or parent. The police were conducting an investigation into male prostitution in the West End. Their enquiries led them to a man named Robert Dean, who was at the centre of a ring for distributing indecent photographs of children. This led them in turn to Mr Cooper, who was one of Dean's contacts. He and Dean

exchanged indecent photographs. It appears that Dean passed on some of Mr Cooper's photographs to others but Mr Cooper denies supplying anyone else. Charges (ii) and (iv) related to this exchange. There is no evidence that Mr Cooper received any payment for these photographs.

2.3 Until 1978, it was not a specific statutory offence to take or distribute indecent photographs of children. It was made an offence by section 1 of the Protection of Children Act 1978 which came into force on the 20th August 1978. However, any arrangement of children under the age of 14 in indecent poses or encouragement of them to adopt such poses would have amounted to an offence under the Indecency With Children Act 1960 and, in some circumstances, to indecent assault.

2.4 Charges (vi) and (vii) involving M and J, 2 boys who were then aged about 5 were in fact brought under the Indecency With Children Act 1960. The boys were photographed in poses suggesting real or simulated sexual activity. Mr Cooper has throughout maintained that the boys adopted the poses they did spontaneously, and they were not arranged by him. His incitement

consisted of providing them with the place, opportunity and encouragement. This account was not accepted by the police, nor by the judge. In our view it makes little difference to the gravity of his conduct whether he actually posed the boys for these photographs, or whether the boys were aware that he was a person who would not discourage uninhibited sexual play. On any view, he photographed them on this occasion for his own gratification and subsequently sent the photographs to Dean.

2.5 It is right to correct at this stage, the impression given by some newspaper reports that Leeways was closed because of Mr Cooper's arrest. This is not the case. The last child had left Leeways almost a year earlier.

2.6 It is also right to record our finding that no other member of staff at Leeways was implicated in any criminal behaviour by Mr Cooper.

3. THE PHOTOGRAPHS

3.1 Mr Cooper was interested in photography from an early age. It remained one of a number of his hobbies, and was a major one from about 1971 or 1972 onwards. All the evidence we have suggests that Mr Cooper pursued any hobby with dedication and perfectionism, and photography was no exception. He achieved a high standard of technical brilliance. In consequence, he was responsible for taking the Department's adoption photographs of both girls and boys. In addition, he took a large number of ordinary photographs of the children at Leeways which were also put into albums and kept in his sitting room. Some were displayed in the Home. "Everyone" knew that Mr Cooper was a keen photographer.

3.2 Alongside these photographs, however, Mr Cooper was taking indecent ones. These were only of little boys. The earliest which have been identified were taken in about 1972 and the latest in 1982. They fall into two groups. In the first category are those in which children are photographed in circumstances of "natural" nudity, e.g.: in the bath, getting ready for bed, etcetera. Individually, these were the sort of photographs which any parent might

have of his or her child. It was the sheer quantity of such nude photographs, the fact that they were all of boys and that there were no "ordinary" photographs among them which indicated to the police an unhealthy interest on Mr Cooper's part and made the photographs indecent. The second category were those photographs which Mr Cooper himself considered indecent. These were either taken in his bedroom at Leeways, where the normal portraits were taken, or at his flat, or on holiday. They were sexually more explicit, sometimes posed by Mr Cooper. Some of the earlier ones come into this category, and they predominated after about 1978. They included the photographs of J and M discussed at paragraph 2.4 above. Even these were far from being the worst photographs which the police saw during their investigations when compared with those taken by other men.

3.3 Even before his conduct was specifically made illegal, Mr Cooper was aware that it would cost him his job if it came to light. He has said, and we have no reason to doubt, that he did stop from time to time for periods of 6 months or a year but then another child would arrive at the home whom he was interested in

photographing, and he would begin again. All the boys photographed were pre-pubertal, and the age range was younger as the years went by. The majority were small for their age, white with blonde hair and blue eyes. Apart from two brothers who were both photographed, all but one of the boys (who had an older sister in the home) were either the only child in the family at Leeways, or were the eldest of the siblings. None of the boys involved had been removed from his own family because of sexual abuse, although we cannot completely exclude the possibility that it may have occurred. There is no evidence that Mr Cooper ever compelled an unwilling child to be indecently photographed. We discuss later (paragraph 6.2) whether any other encouragement was used by Mr Cooper.

3.4 Mr Cooper says that he stopped taking indecent photographs in 1982 because he had ceased to be interested in that type of photography. In any event, from that time onwards there were hardly any children left in Leeways.

INDECENT ASSAULTS

3.5 The only charge of indecent assault brought

against Mr Cooper (see paragraph 2.1) did not involve a boy in care in Leeways. It was not a specimen charge as the others were. We have received evidence which suggests that some of the boys who were in Leeways may also have been indecently assaulted. This is not admitted by Mr Cooper. Although the evidence appeared to us to be reliable it was uncorroborated, and the nature of our procedure did not permit Mr Cooper to challenge the makers of the allegations. We do not therefore think it right to make any finding about whether these allegations are true or not.

4. MR COOPER'S CARE OF CHILDREN - A DIFFERENT PERSPECTIVE

4.1 Before moving on to consider the circumstances which enabled Mr Cooper to commit the offences, and some of the criticisms which have been made of him, it is right to say at this stage that it is quite clear from the evidence we have received that Mr Cooper had a genuine fondness for young children quite separate from his sexual interest in some of the boys and gave many of those in his care a good deal. Some of the children who passed through Leeways at different times have retained happy and positive memories of their time there.

4.2 Similarly, a number of the witnesses we saw have had high praise for the quality of his child care. Many witnesses have been deeply shocked by the revelation of a darker side to Mr Cooper's character. Only one, however, has gone so far as to say that those years of quality care far outweigh the taking of a few photographs.

5. CHRONOLOGY OF EVENTS AT LEEWAYS AND CORRESPONDING DEVELOPMENTS WITHIN SOCIAL SERVICES

1965 - 1969

5.1 Leeways was acquired and established as a short-stay children's home in 1965 by what was then the L.C.C. Children's Department. At that time the Department was small. There was a Children's Officer and an Assistant Child Care Officer who ran both the field work and residential services, until the appointment of a separate Assistant Child Care Officer in 1967. He took over responsibility for the residential homes. It is significant, however, that the running of the homes was regarded as mainly the responsibility of the Senior Administrative Officer, concerned with the bricks and mortar. This was a period of great expansion in the residential sector and between 1965 and 1970 the number of children's homes increased from 6 to 18.

5.2 In October 1966, Mr Cooper, who was then 38 years of age, applied for the post of House Father in charge of Leeways. He had worked in child care since 1958 and held the Central Training Council's Certificate in Residential Child Care, at a time when only about 4% of residential child care staff were qualified.

He made a good impression at interview, where he was seen by the Assistant Child Care Officer and the Senior Administrative Officer. His two references spoke highly of his abilities and the Home Office checks did not reveal any cause for concern. He was offered the post. In his letter of acceptance, he asked for permission to bring with him a young boy that he had been fostering during the school holidays for the previous three years for the London Borough of Islington. This was checked out and Islington advised that there was nothing questionable in the relationship. It was therefore agreed that this arrangement could continue.

5.3 All the evidence we have received suggests that in those early years Leeways was a well-run home. Mr Cooper was anxious to put his ideas into practice. The staff worked long hours dealing with emergency receptions. Apart from Mr Cooper, there was a Deputy and junior staff. The junior staff were older and already had some experience. Mr Cooper trained and encouraged them. The Assistant Child Care Officer (from 1967) and the Senior Administrative Officer visited regularly. The Home Office Children's Inspectorate inspected Leeways twice during this period and its Officers were more than

satisfied with the way it was being run.

1970 - 1974

5.4 In 1970, the structure of the Department changed with the implementation of the Seeborn Committee's recommendations and the amalgamation of Departments which had previously been separately run. A diagram of the new Department, showing the relationship between the various posts is set out at Appendix 1. The Director of Social Services and the Assistant Director for Residential Services both came from the Welfare Department. The Deputy Director came from the Children's Department. The Assistant Child Care Officer became responsible for the Social Casework Division. The Senior Administrative Officer became the Principal Officer (Planning and Development) and his regular contact with Leeways ceased.

5.5 This change-over has been described to us as chaotic. People who had no previous experience of residential child care were suddenly plunged into it. It is hardly surprising that the few people with recognised expertise, including Mr Cooper, had their opinions sought and were highly regarded. One consequence of the change

was undoubtedly a lessening of the direct supervision of Leeways and Mr Cooper by the management team. His autonomy as Head of Home increased significantly.

5.6 Side by side with these changes within the Department, there was a change in the political control of the Council. The Labour party took office. In 1970 the Chair of the Social Services Committee became held by a man whose own background was in children's work. He remained as Chair until 1982. He visited Leeways regularly, and had a high regard for Mr Cooper. Other Councillors also visited over the years.

5.7 From 1972 onwards, aspects of Mr Cooper's child care began to be the subject of criticism. These included allegations:-

- Of excessive regimentation and control within the home and an "oppressive" atmosphere.
- That he had a group of boys who were clearly favourites and treated better than the other children.
- That the staff were no longer being properly trained and developed, for example, there were no staff meetings.

- About his negative attitude towards girls.
- Of his harsh punishment of children who were not favourites.

5.8 During this period the criticism was fragmented. Apart from the Staff Development Officer, the critics were either parents or junior staff. Complaints from the parents were usually made to the Social Worker concerned with the individual family. In the case of a trainee Social Worker the criticism was made to her supervisor in the Social Case Work Division. It was almost certainly dismissed as a personality clash, and not passed on. In the case of one of the junior staff at Leeways, she voiced her concerns to her supervisor, Mr Cooper. His reaction was to say that she was not up to the job, although no such allegation was made before she complained. She was shocked. She subsequently saw a man and a woman at Eros House (the Social Services Department headquarters) who told her that she could either resign or be sacked. When she told them about her concerns, they did not appear to take any notice. She left. It is alleged that another girl who was there about the same time (1972-3) had a similar experience.

5.9 It is right to say that neither Mr Cooper, nor his Deputy at that time would accept the validity of such criticisms. That Deputy left in 1974. She was replaced by another woman who had brought up her own family and fostered children. She did not want to take on the responsibility of being Deputy and between 1974 and 1976 was merely Acting Deputy. In 1972, another young woman began work at Leeways. She was young and untrained. She commenced as a basic grade worker and became Senior Assistant after a few years. They were both extremely loyal to Mr Cooper. By and large, they accepted his ideas and authority uncritically. The only other long-serving staff were the cook, who came in 1972, and the domestic who came in 1975. They both remained there until the end of 1984.

1974-1976

5.10 In May 1974, a Residential Adviser was appointed. This was a new job, the precise nature of which was unclear. The person appointed had a sound background in residential child care. She found it very difficult to gain any recognition of her expertise, or to gain support for what she was trying to do. Management, at the level of Principal Officer and above, lacked under-

standing of the residential child care task. The main concern in the running of residential homes was still the bricks and mortar. Administratively, Leeways was always extremely well run by Mr Cooper and accordingly the Assistant Director and the then Principal Officer did not think that she was needed there. She was concerned about the regimented regime and Mr Cooper's favouritism. She was also concerned about his taking some of the boys away at the weekends, and suspected Mr Cooper of having an unhealthy interest in little boys. Her concerns were shared by the Administrative Officer. The Home was always short of staff, many were young and inexperienced. There was no control by the Residential Services over which children were placed in the Homes, as this was the responsibility of the Social Case Work Division. During 1975, the Residential Adviser voiced her concern at a meeting of the Directorate. Their attitude was that if they and the Social Case Work Division were satisfied, who was she to criticise?

5.11 During the summer of 1975, the Residential Adviser arranged for a young woman who had been trained in residential child care to go to Leeways as a Deputy. Her object was either

to achieve some improvement in child care practice or to provoke a crisis which would compel management to listen. This object was not known to the young woman concerned. Her criticisms of Mr Cooper's child care were the same as those made previously (see para 5.7). She was also concerned that Mr Cooper was fostering another boy, who had been in Leeways, but was now in the care of another authority, and who was treated differently from the other children. She tried to discuss her concerns with Mr Cooper and the other staff and to suggest changes. No one would listen. Mr Cooper complained about her to the Residential Adviser and to the Assistant Director, but did not say anything to her. Shortly afterwards, the young woman herself went to the Residential Adviser, asking for a transfer and voicing her concerns. The Adviser spoke to Mr Cooper, but got nowhere, and he refused to have the Deputy who was on leave that day, back at Leeways. Both the new Principal Officer and the Administrative Officer told him that there was insufficient justification for this action. When the Deputy was interviewed again, however, it was made clear to her that she would have to leave and could not be guaranteed any other employment with the Council. She contacted her Union. She was transferred to another

establishment, on a lower grade, but at the same salary, and when another deputy's job came up she was then appointed to it. This does not suggest that the management regarded Mr Cooper's complaints about her competence as justified. Thereafter, the Residential Adviser made no progress as far as Leeways was concerned, and left the Department in June 1977.

5.12 A new Principal Officer (Children's) had joined the Department in September 1975. His background was also in residential child care. He had limited direct contact with Leeways. He received regular reports from the Residential Adviser and Administrative Officer and shared their concerns about Mr Cooper's child care and his attitudes towards staff, particularly his refusal to accept male members of staff. Like them, he found his attempts to question Mr Cooper's attitudes or child care had no backing from the Assistant Director because of the support for Mr Cooper from the Social Case Work Division. The only area about which the Assistant Director (Residential Division) appeared to be concerned was Mr Cooper's claims for overtime, which were regarded as excessive and about which there were frequent battles.

5.13 During this period, from about 1974/5 onwards, the task of Leeways changed from emergency reception to preparing children for fostering and adoption. We have the impression that Mr Cooper had begun to stagnate and responded well initially to this fresh challenge. In September 1976, Leeways was redesignated as a specialised pre-fostering and adoption home for younger children. The early 1970s had witnessed the beginning of an important shift in emphasis away from residential care towards placing as many children as possible for fostering and adoption. This trend was given additional impetus in the late 1970s when the Children Act 1975 came into force. The quality of Lewisham's fostering and adoption services has received nothing but praise during our inquiry, and is universally acknowledged to be the achievement of the then Assistant Director of the Social Case Work Division, by all accounts a redoubtable personality.

5.14 Towards the end of 1976, the weekend cook, who had been employed at Leeways for about 18 months, commented to Mr Cooper that she thought he was excessively affectionate towards the boy he was fostering (see paragraph 5.11). In October 1976, Mr Cooper made

serious complaints about her abilities as a cook, although she had passed her probationary periods without complaint. She was disciplined and demoted to a cleaning job. She believes that the two events were connected, Mr Cooper denies any such connection. The record of his complaints survives. The record of the disciplinary proceedings apparently does not. We are therefore unable to ascertain positively whether the cook mentioned her concern at the disciplinary hearing or not.

1977 - 1978

5.15 By 1977 there were 5 junior staff working at Leeways as well as Mr Cooper, the Deputy and Senior Assistant. There was also at least one trainee. The junior staff were extremely worried about the quality of child care which they found. In particular they were concerned about:

(i) Favouritism. Mr Cooper's group noticeably consisted only of little white boys, usually blonde and blue eyed, who were specially favoured. The junior staff were allowed very little contact with these boys, who spent their leisure in Mr Cooper's company, sat with him at mealtimes,

and considered that they were only accountable to him.

(ii) His attitudes towards girls and black children, for whom he had no time.

(iii) Mr Cooper's boys (as they were known) were allowed into his bedroom individually in the morning, ostensibly to make his tea.

(iv) Mr Cooper taking boys away on holiday or to his home.

(v) The regimentation and oppression of the children.

(vi) Mr Cooper's attitudes towards themselves, his laziness, the fact that there were no staff meetings and that they were not allowed to attend case conferences on the children for whom they were the key worker.

None of these were matters which they felt able to discuss with anyone who visited the home such visitors usually being seen by Mr Cooper. The trainee did discuss matters with the Staff Development Officer, and with the Head of Home at her next placement.

5.16 The five junior staff decided to go to Eros House. This was at the end of 1977 or beginning of 1978. What appears to have precipitated their action was two of the boys asking Mr Cooper one mealtime when they were going to go to his flat again, play silly games with their clothes off, and have their photos taken. He told them to be quiet (meals were usually eaten in silence). Other boys had spoken of being dressed in girls' or "funny" clothes and being photographed.

5.17 At Eros House they saw the Principal Officer (Children's) and the new Residential Adviser who had joined the Division in September 1977. No record of this interview has been found. They tried to put their complaints across and their abiding impression is that they were not listened to as:

- (i) they had no evidence;
- (ii) they had by-passed the correct procedure in not confronting Mr Cooper with their allegations;
- (iii) Mr Cooper was the qualified Head of the Home and they did not know what

they were talking about.

- (iv) They would rather have one good superintendant than 5 junior staff.

They returned to Leeways to face Mr Cooper who was angry but some thought that he was frightened as well.

5.18 They all resigned over a short period thereafter. They all believed that nothing was done to investigate their allegations. Their visit did lead to staff meetings being held, but those who were still at Leeways understandably found it difficult to voice their complaints at those meetings. They were also occasionally invited to attend case conferences. They had mentioned that Mr Cooper, who had been non-resident since April 1977 was actually back residing at Leeways without the appropriate deductions being made from his salary. His status was altered again in consequence, and thereafter he was charged for his residence.

5.19 In fact the Principal Officer interrogated Mr Cooper at about this time about:-

- (i) a boy called Peter who had alleged that

- he was photographed dressed as a girl;
- (ii) taking boys into his room in the mornings;
 - (iii) taking photographs of 3 boys without clothes on.

Mr Cooper believed that the last allegation was a result of a conversation between the boys in the dining room. Mr Cooper gave his explanations, which were:

- (i) the boy was actually dressed in a Mexican poncho and hat;
- (ii) they were making tea for him;
- (iii) it was a very hot day. The boys took off their T-shirts, their shorts and sandals, and he photographed them in swimming trunks.

Mr Cooper still insists that those explanations were true. He was later telephoned by the Principal Officer and told that his explanations were accepted. No written record of this incident has been found. Neither the Director nor Assistant Director has any recollection of being

told about this, although both would have expected the Principal Officer to have discussed it with them. Mr Cooper was under the impression that the Director had accepted his explanation but we are unable to reach any firm conclusion about this.

5.20 We also received some evidence to suggest that the Principal Officer may also, and possibly on another occasion, have spoken to Mr Cooper about allowing a boy to sleep in his bedroom. The explanation given was of a temporary accommodation crisis, and that the boy had a camp bed. We have been told that Mr Cooper was "affronted and outraged" by an allegation of homosexual practice, implicitly involving little boys made at about that time.

5.21 In October 1977, a mother did complain to her children's Social Worker about photographs which Mr Cooper showed her of her son. The child was fully dressed but posed in the manner of "girlie" photographs. The Social Worker did speak to Mr Cooper about this. She was not shown the photographs herself and did not take the matter further. Had she done so, it is most unlikely, given the structure of the Department, that the matter would have

come to the attention of the Residential Division. The mother has also alleged that she saw similar photographs of her daughter dressed as a "bunny girl" which upset her.

1978 - 1982

5.22 The five staff who left were replaced by other young girls. They too were critical of Mr Cooper's child care but were unsure of their own judgment in the face of Mr Cooper's authoritarianism, supported as he was by the Deputy and Senior Assistant. They were still not encouraged to take training, staff meetings were spasmodic, and they had little contact with anyone from Eros House or Councillors. They feared Mr Cooper's anger, as he would humiliate them in front of the children. They felt that the regime of the Home was organised more for the benefit of Mr Cooper than for the children but had no one with whom they could discuss matters. They did not know about the Residential Adviser and those who held that post found it difficult to get beyond Mr Cooper to talk to the staff directly. Moreover, the five junior staff who had gone to Eros House lived on in the mythology of Leeways as, "the five who complained about Mr Cooper - they got the sack, and Mr Cooper stayed."

5.23 The years 1978/79 were significant ones. The first review of residential children's homes took place in 1977. Leeways was not threatened with closure but people working in residential care undoubtedly felt vulnerable. In particular younger children coming into care were being placed more and more in short-term foster homes rather than in residential establishments. Criticism began to be voiced about the quality of the assessments being done at Leeways by the Social Case Work Division, which was also concerned that children stayed there too long.

5.24 The Principal Officer (Children's) left in September 1978 and was replaced by the Residential Adviser. In June 1979, a new Assistant Officer (Children's) Residential was appointed. He doubled as Residential Adviser for about a year. The background of both men was in residential child care. Both were concerned about the quality of Mr Cooper's child care based on the matters set out above and their own observations. They both believed that Mr Cooper was a homosexual. After the new Residential Adviser joined the Division in 1980 she shared their concern, save that she came to believe that Mr Cooper's sexual development was fixed at an immature pre-pubertal level. She was appointed, in part, to deal with certain of the Heads

of homes whose child care practice was the subject of criticism. She had, however, no executive role. These three people did try to change Mr Cooper's practice, by counseling and persuasion, mainly through the Residential Adviser. She, of course, had no management power over Mr Cooper. He felt that he knew more about residential child care than she did, and in most material aspects, ignored her views.

5.25 At no time during this period did anyone who was managerially responsible for Mr Cooper ever confront him with the matters of concern or suggest to him that unless he changed his practice, his job would be at risk. We discuss the reasons for this elsewhere in the report (sections 11 and 12).

5.26 Instead they used more covert techniques. An Admissions Panel was established in 1980 so that control over who went to Leeways was in the hand of Residential Management rather than Mr Cooper. He was unhappy about this change, rightly interpreting it as a threat to his autonomy. This Management Group also decided to improve the calibre of staff at Leeways, and insisted that male staff were employed there with a view to confronting Mr Cooper. Once put in that situation, they were given no support by Management. Arrangements were

made for staff to be sent away on courses. This process began in 1981, but it was really only in 1982/3 that the process gathered any real momentum. By that time there were very few children in Leeways. None of these tactics appear to have prevented Mr Cooper from continuing to take indecent photographs of children, nor did they bring any fresh information to light to suggest that he was doing so.

5.27 In about mid-1980, Mr Cooper reported to the Assistant Officer (Children's Residential) that one boy was showing signs of disturbance and had exposed himself to him. This report was accepted and recorded. The letter congratulated Mr Cooper on his handling of this difficult boy. In relation to this child, however, who was one of the photographed boys, we have also received evidence that when one of the care workers mentioned to Mr Cooper that she thought this boy was beginning to confide in her, both she and the boy were told not to talk to one another again.. There is no evidence that this was mentioned to anyone in Management at the time.

5.28 The trainee mentioned in paragraph 5.17 above, who had been extremely unhappy at Leeways,

continued her training after she left and went away on a course. During her studies she did some research into sexual abuse of children. Matters fell into place and she became convinced that Mr Cooper was a paedophile. In 1981, she spoke to the Assistant Officer (Children's Residential) when they happened to meet, and voiced her suspicions. She was given the impression that indirect action was being taken but that without concrete proof no disciplinary action could be taken. No attempt was made by him to investigate the basis for her accusation and no direct action was taken against Mr Cooper.

1982 - 1984

5.29 1982 was a significant year. In January, the Deputy at Leeways retired and in September the Senior Assistant left to go on a course. From about 1979 onwards, a review had been underway into the future of residential child care services. Consideration of the conclusions had been delayed because of the local government elections in 1982 and concern that the political complexion of the Council would change. It did. There was an influx of younger, more radical, Labour Councillors, many of whom were without experience in local government. The

previous Chair of Social Services. continued in office for a year. In June 1982 the Social Services Committee considered the report.

The future of Leeways was questioned. The Chair fought hard and effectively against its closure. The review was not implemented.

All the uncertainties about the future of residential child care remained unresolved, and have had a devastating effect upon morale.

5.30 In July 1982, the Director of Social Services retired. He was succeeded by the Deputy Director in circumstances which cannot have convinced him, or anyone else, of his ability to handle the job. In November 1982 the Assistant Director for Residential Services retired and was replaced by the present Assistant Director.

5.31 Some time prior to November 1982, Mr Cooper contacted the Assistant Director for Social Case Work because he was concerned about the future. She saw him together with the then Assistant Director for Residential Services. On that occasion it was spelled out to him that he had not kept up with the changes in adoption and fostering practice and unless he could change, the future for him was bleak. He was also told that there should be proper

staff meetings and he was not to have his own group of boys. So far as we can tell this was the only occasion upon which Mr Cooper was directly confronted by senior management in this way. It was too late for him to change and the heart went out of him.

5.32 In July 1983, Mr Cooper applied to take early retirement. His application was caught by a change in Council policy towards this.

5.33 In May 1983, a new Chair of the Social Services Committee was elected. She had been Vice-Chair for the previous year, and was employed as a Social Worker in another London Borough. She became much more involved in the day-to-day running of the Department than her predecessor and this level of involvement by elected members has continued.

5.34 In the autumn of 1983, there was a nationwide strike by residential workers. This included the staff at Leeways in which there were now only 4 children. Basically, the home was not re-opened after the strike. The last child left in January 1984.

5.35 The only other odd incident occurred on the

10th September 1983. Mr Cooper was burning some confidential papers in the garden. He put the fire out but shortly afterwards the rear fence caught alight and damaged a neighbour's shed. Mr Cooper's first account of this omitted to mention that two of the boys had been involved in this incident. It was only when the loss adjusters investigated that the boys' involvement came to light. The Assistant Officer (Children's Residential) and Residential Adviser were concerned about this incident because Mr Cooper's second account revealed some divisive and unsatisfactory child care practice. It is noteworthy that despite the fact that a daily log book was kept during this period, there is no record for the relevant date. Similarly no record appears on the files of either boy involved nor were the social workers informed.

- 5.36 After the last child left Leeways, Mr Cooper continued to live there and was ministered to by the cook and domestic. He did some escort work for another home, but that was all. He re-applied for early retirement but this had not been agreed at the time of his arrest. He was still living at Leeways at the time of his arrest in December 1984. He subsequently resigned.

6. DID THE CHILDREN CONFIDE IN ANYONE?

6.1 There were numerous people in whom the children could have confided about what was happening to them, staff, social workers, the visiting psychiatrist, parents, siblings, foster or adoptive parents or staff in other care establishments after they left Leeways. There is no evidence that any of them did so.

6.2 We have tried to answer the question: "Why not?" Four possible answers have been given to us:-

(i) That Mr Cooper was just very lucky, since he took no measures to prevent or discourage the children from talking. This is Mr Cooper's own account. We find it impossible, given all we have been told by and about Mr Cooper to accept this. Nothing we have heard suggests that he was the sort of man who left anything to chance, let alone a matter which could have cost him all that he most valued.

(ii) That the indecent photography had no significance for the children and therefore they never mentioned it. We think

that this may well be true in the case of children involved in the "natural" nude photographs described at paragraph 3.2 above. It has been cogently argued to us by an eminent witness that this explanation applies to all the children. We are unable, in the light of all the other evidence we have received, to accept this comfortable analysis.

(iii) That the children were threatened by Mr Cooper, and were therefore afraid to confide. There is no evidence of this whatsoever, and some evidence suggesting that Mr Cooper did not photograph unwilling children. We therefore reject this explanation.

(iv) That the children trusted and were fond of Mr Cooper. They were favoured within the home and had his approval. We have considered the type of boys involved at paragraph 3.3 above. Many of them were described by others as children "who would do anything for attention". Almost all were desperate for affection. Like many children involved in sexual abuse by adults they trusted, a mixture

of guilt and fear that betrayal of the secret would result in the withdrawal of affection seems to us the most likely explanation of their silence. There is evidence that Mr Cooper told one boy that he [Mr Cooper] would get into trouble if anything was said. The evidence about whether Mr Cooper actually rewarded the children who were photographed is conflicting, and we are unable to reach any firm conclusion on this.

6.3: So far as social workers are concerned, we do not find it surprising that the children did not confide in them. Whereas they see themselves as caring, we suspect that even such young children often regard the social worker as "the person who took them away from home" and not as someone in whom they could confide. Social work practice also frequently means that when a child is placed for fostering and adoption, the field social worker is replaced by someone from the Fostering and Adoption Team who is unknown to the child. This, for different reasons would also reduce the likelihood of a child confiding in the social worker.

6.4 Part of a child's reluctance to confide may

be due to a fear that he or she may not be believed. We deal with this aspect later in our report (paragraph 15.4 to 15.6).

6.5 Lewisham has already contacted most of the children who were involved in the offences with a view to offering counselling or therapy should this be needed. This should enable any children who may have been disturbed by what occurred to receive help. We doubt whether it is necessary to try to extend this programme.

7. DID THE CHILDREN MAKE "INNOCENT" REMARKS WHICH
OUGHT TO HAVE BEEN PICKED UP?

7.1 As is clear from paragraph 5.16 there were occasions in 1977 when children did make remarks which the then junior staff picked up and attempted to follow up.

7.2 Every witness we have heard who worked in Leeways has assured us that on no other occasion did any child ever make similar remarks, nor did any "unfavoured" child make any comments. We have tried very hard to believe this, but have found it impossible to do so. On the other hand, given the circumstances we consider in section 9 below, we accept that such remarks did not ring any warning bells, and have therefore been genuinely forgotten by those we have spoken to.

7.3 We have considered the alternative possibility that after 1978 when Mr Cooper's photography became illegal and after he had had a "close shave" with Eros House (paragraph 5.19) he became even more vigilant to ensure that the boys had no opportunity to say anything, even innocently. We have found no evidence that this was so.

8. WERE THERE OTHER HINTS WHICH OUGHT TO HAVE BEEN PICKED UP?

8.1 Mr Cooper fostering children and taking them away on holiday.

On two occasions (see paragraphs 5.2, 5.11, and 5.14) Mr Cooper fostered a boy who had been in his care and was now in the care of another Authority. The first occasion was certainly checked by Lewisham. We have no evidence about whether, if at all, any watch was kept on the situation. So far as the second boy is concerned, we have no clear evidence about whether or not anyone at Eros House knew that the boy was being fostered or who, if anybody, gave permission for this. Such an arrangement would be extremely unusual in terms of child care practice. We feel it should have been carefully monitored, especially in view of all we have heard about this boy, and his relationship with Mr Cooper.

8.2 Mr Cooper has admitted taking a boy who had been in his care away on holiday with him on 4 occasions. (Three boys were involved, one being taken twice. This was the second boy he fostered, discussed above.) The evidence suggests that none of these boys was actually

in Lewisham's care at the time, and we do not know whether anyone in Lewisham knew that this was happening or would have been alerted had they done so. The evidence that we have suggests that they appeared to be "father and son" on these occasions. We believe that if these matters were known to the management at Eros House, they should have rung some warning bells.

8.3 We think that the fact that Mr Cooper took boys back to his flat, whilst it clearly did cause some concern to those who were capable of adding it to their unease about his relationship with "his" boys, was not necessarily significant in itself. It clearly did facilitate the commission of the offences but other staff took their groups home to give the children experiences outside the institution which were wholly beneficial.

8.4 Other incidents.

Various witnesses have described incidents which they saw, which with hindsight they regard as having significance. These include demonstrations of affection by Mr Cooper towards the boys which they thought were excessive or unusual; a child being in bed with Mr Cooper;

his fondness for a favourite child; and conversations in which he described his love of young children. Listed like this, of course, and with hindsight, they appear damning. At the time, they were the isolated impressions of people who had no opportunity to discuss them with others. We do not think it a matter for criticism that individually these were not followed up. What is striking, however, is that apart from the matters dealt with in paragraphs 5.14 to 5.16 and 5.28, hardly any such observations come from members of the staff at Leeways. We consider this further in paragraphs 9.3 to 9.7.

8.5 Sexual abuse of children by trusted adults is a matter which has only recently begun to receive public attention. Although research suggests that such children do show changes in behaviour indicative of disturbance, the problem with children who are already in residential care is that they are often showing signs of disturbance due to the traumatic experiences they have already undergone. Further signs of disturbance are likely to be attributed to parental failure rather than abuse of the child in care.

8.6 A programme for training field social workers in recognising sexual abuse is already underway, and procedures have been developed to help bring cases to light. No similar training programme has yet been developed for residential workers. We think it important that such training be given, particularly as it would help dispel the prevalent myth that once children are taken into care, they are "safe".

8.7 We see it as just as important for workers to recognise what are not signs of sexual abuse. It has been of great concern to us throughout the inquiry that our findings and conclusions should not discourage residential workers from physical demonstrations of affection. There are occasions when it is right and necessary for care staff to cuddle or be alone with a child. Nor do we think it helpful for there to be artificial rules to prevent staff from being on their own with children in certain situations.

8.8 We have also considered whether the children too should be educated about the risks of abuse by the adults around them, and what to do about it if it occurs. Although it is feared that this may increase the risk of unfounded

allegations being made, and also that it will treat children in residential care differently from those who are not, we are of the view that, on balance, such training should be given, not just to those in residential care but, where appropriate, to those in foster homes as well. Normally we would expect this to be the responsibility of the care staff themselves, just as it is of parents, and they should be enabled by the training to which we have referred and the provision where appropriate of resource material, to carry out this task.

¶ We recommend that a programme be implemented to enable residential workers to detect child abuse, including sexual abuse, and to provide children with appropriate information to help them to protect themselves. Additional resources might be necessary to fund such a programme.

9. WHAT CIRCUMSTANCES COMBINED TO PREVENT MR COOPER FROM BEING FOUND OUT?

9.1 Mr Cooper did not intend to be found out.

This was a most important factor. Mr Cooper was both cunning and plausible. Administratively, he ran the Home well, making it less likely that anyone would ask any questions. He successfully resisted for years, changes in his child care practice which might have brought matters to light. He had his legitimate photography as a cover. We have dealt in section 6 with how we believe the children were kept quiet.

9.2 Mr Cooper's position as Head of Home.

We have already referred to the autonomy which he enjoyed from 1970 onwards (paragraph 5.5). He was autocratic and Leeways had to be run his way. This way enabled him to exercise enormous control over both staff and children. Timetabling and punctuality were an obsession. Meals had to be on the table exactly on the dot. Children were discouraged from talking at meals. Thus, he had only to bring his group of children back from a photography session immediately before a meal to ensure that they had no real opportunity to confide in another

member of staff or let out some innocent remark, even if they had wished to do so. Mr Cooper also controlled the contact which children and staff had with visitors. In particular, he had control over whether or not children had access to their parents. Some parents have certainly associated a reduction in their access with questioning aspects of Mr Cooper's behaviour. No one had any privacy, except Mr Cooper. Most of the rooms had an intercom system, set up by Mr Cooper which enabled him to listen in on conversations. He was also able to listen in on telephone calls made by both children and staff. On the other hand, staff entered his sitting-room, which was also the office "if they dared". All the staff were expected to wait on Mr Cooper and this increased their sub_servient role.

9.3 The staff at Leeways.

As is clear from paragraphs 5.8, 5.11, and 5.14 to 5.18, we have received a considerable body of evidence to suggest that no one who criticised Mr Cooper's behaviour or his methods lasted very long at Leeways. He favoured the appointment of young female staff, whom he could mould. They were inexperienced, untrained, and had nothing with which to compare their

experience at Leeways (ibid and paragraph 5.22). Leeways itself was isolated, being outside the Borough. The staff were isolated, having little contact with anyone from Eros House, the elected members or social workers, all of whom tended to be seen by Mr Cooper. They had no contact with staff in other establishments.

9.4 On the evidence we have, those junior staff who remained at Leeways longest certainly appeared to have far less forceful personalities than those who left, and to have been more naive and biddable. No one can blame them for this, nor, given their personalities, for not appreciating what Mr Cooper was doing. The responsibility for this clearly lies with those who did not ensure that staff of a different calibre were employed there. (See section 11). Moreover those same managers relied upon the judgment of those junior staff when they submitted reports to case conferences at which vital decisions were made about the future placement of the children in Leeways.

9.5 The senior staff.

We have already commented (paragraph 5.9) upon the loyalty of both his Deputies and the Senior

Assistant to Mr Cooper. We accept that none of them knew what was going on. We think that had they been less under Mr Cooper's influence than they were, they would have questioned some of the practices at Leeways which facilitated the commission of the offences. Some matters, such as the boys being in his bedroom in the mornings ought to have raised suspicions, which we accept were not raised. We reject any suggestion that they actively colluded in any impropriety.

9.6 We also think that the relationship between Mr Cooper, the Deputy and Senior Assistant, was such that it provided an effective barrier to criticism from junior staff and to change being implemented, from the mid-1970s onwards. We believe that Mr Cooper felt very confident that he could rely upon the Deputy and Senior Assistant to back him in whatever he chose to do. He certainly felt sufficiently confident to leave "his boys" in his Deputy's care while he took extended holidays, without apparently fearing that they might "spill the beans" to her. Alternatively, he may have believed that if they did say anything he would be able to give her a plausible explanation which would satisfy her.

9.7 One other person whose role calls for some comment is the child psychiatrist who visited Leeways regularly to assess the children. He is one of the people who throughout had an extremely high regard for Mr Cooper. He appears to have depended heavily in his assessment of the children on what Mr Cooper told him and on observing them playing. We can find little evidence to suggest that he interviewed the children on their own, or in circumstances in which they might have confided in him or he might have been alerted to what was happening. He appears to have been completely oblivious to aspects of Mr Cooper's child care which were causing concern elsewhere and regarded such criticisms as ill-informed. His backing of Mr Cooper undoubtedly made the task of those who were trying to change Leeways more difficult. Even more importantly, many of those who had doubts about Mr Cooper's sexuality or his interest in little boys were able to reassure themselves that the psychiatrist would have been aware if there had been anything seriously wrong. Their faith was misplaced.

9.8 Mr Cooper's child care practice.

(See paragraphs 5.7 and 5.15) We had been unprepared at the start of the inquiry for

the amount of criticism of Mr Cooper's child care practice which we actually received. There can be no doubt that some of these practices facilitated the commission of the offences, especially, of course, the way he controlled his group and the way the boys in it were chosen and treated. Many of those who expressed concern about these matters throughout the 1970s were understandably angry to think that the situation had persisted long after they left. None of them were surprised to learn of the offences. We think that management has a heavy responsibility for not having tackled these matters effectively. We examine the reasons for this in section 12 .

9.9 Similarly, we think that the Deputy and Senior Assistant must share some responsibility for the fact that the situation persisted for as long as it did. Even if the concerns of junior staff were not always voiced to the management at Eros House, they were certainly voiced within Leeways itself. The response of both Deputy and Senior Assistant seems always to have been to side with Mr Cooper and to defend his methods against such criticism. They did not themselves either criticise his child care or try to change any of his practices by subtle

suggestion. When junior staff did voice their criticisms elsewhere, they were not supported by the Deputy and Senior Assistant, who made it clear where their loyalties lay. In our view, by their conduct and attitudes, they failed the children by not putting their interests first.

9.10 One other factor was that the "danger" was seen by Mr Cooper and his Deputy and others as coming from sexually precocious little girls. Such precautions as were taken, were to guard against that risk (which, incidentally is viewed mainly as a risk to the male staff of a false accusation being made by the girl - not as a risk to the child). Vigilant attention to some known risks can easily cause blindness towards others.

10 DID MANAGEMENT KNOW?

10.1 Based on our findings at paragraphs 5.17 to 5.20, we are satisfied that by the beginning of 1978 the then Principal Officer (Childrens) and Residential Adviser were aware of unacceptable behaviour in a Head of Home which had sexual implications. We do not think that the evidence suggests that they knew that Mr Cooper was taking indecent or pornographic photographs.

10.2 As set out above (paragraph 5.19) we are unable to reach a conclusion as to whether either the Director of Assistant Director (Residential Division) was told of these events. If they were not told, we think that they should have been, as it would have been for the Director to decide what investigation was necessary. Our difficulty is that none of the people who were then in post at Principal Officer level or above appears to have any recollection of these events at all. No records have come to light. All our evidence for these events has come from other sources. We consider the question of whether or not there was a deliberate cover up in section 13.

10.3 We are particularly perplexed by the behaviour of the Principal Officer (1975-8). Apart from the then Director, he is the only person with responsibility for Residential Management whose ability has not been questioned by other witnesses. We feel that he should have pushed Mr Cooper further and that the allegations should have been tied in with the concerns about his child care. Mr Cooper should at least have been given a formal warning. We examine in section 11 the factors which, over the years, prevented Management from effectively tackling Mr Cooper.

10.4 In our view, the then Assistant Officer (Children's Residential) is also to be criticised for not having followed-up the allegation made in 1981 by the trainee that Mr Cooper was a paedophile (paragraph 5.28) bearing in mind the concerns which he and others already had about Mr Cooper's child care practice with its sexual undercurrents. We think that it should have been reported at a most senior level and some attempt made to see if the trainee could substantiate her allegation. At the very least, her perception might have given them a fresh insight into Mr Cooper's behaviour and alerted them to what was actually happening.

11. WHY WAS MANAGEMENT UNABLE TO TACKLE MR COOPER EFFECTIVELY?

11.1 We have identified a number of contributing circumstances, which prevented the management from doing so. Some are specific to Mr Cooper and Leeways. Others are not, and in our opinion would also have prevented the management team from tackling other trauma effectively.

11.2 Mr Cooper's power base.

This is the main reason given to us why Mr Cooper was not effectively challenged. He was regarded as having powerful friends. These included the formidable combination of the Chair of Social Services Committee, the Social Case Work Division, the trade unions and visiting psychiatrist. It is true that all these people did support Mr Cooper for different lengths of time. The myth of their support persisted as a reason for non-action, long after it had ceased to be a reality.

11.3 We do not think that this consideration would have deterred the Director prior to 1982, had determined action to remove Mr Cooper been necessary. Nor do we think it adequately

explains the fact that his own managers never even tried to implement any disciplinary procedures to the extent of formal verbal or written warnings until the autumn of 1982, or to collate the evidence they had to support such action.

11.4 We are not actually convinced that any of the people we have referred to with the possible exception of the psychiatrist (as to which see paragraph 10.7) would blindly have supported Mr Cooper had they been confronted with a convincing case against him, showing that his care was detrimental to the children's well being. This was actually the view of all his immediate managers from 1975 onwards.

11.5 Weaknesses of Residential Management.

Collectively, the Management Team in the Residential Division was, and in our view, still is, convinced of its powerlessness and has a poor self image. Power was seen as residing in the Social Case Work Division, the elected members and the trade unions. Those in Residential Management would not engage in a fight because they feared that they would lose.

11.6 There is no doubt that throughout the Department there is considerable tension between the Social

Case Work and Residential Divisions at all levels. Social case work regards itself and is regarded as the elite. All the trends in child care practice since the late 1960s have contributed to the undervaluing of residential care. The training of residential workers has lagged behind that of field workers. The characters of the two Assistant Directors was also a strong contributing factor.

11.7 The Assistant Director of Residential Services prior to 1982 had his background in the old Welfare Service. He remained throughout more interested in the work with old people than in children's work, and his subordinates knew it. Their concerns about the quality of Mr Cooper's child care fell on deaf ears. He only really understood the financial aspect of running the home. Because Mr Cooper did that well, the Assistant Director's view was that there was no problem, other than Mr Cooper's excessive overtime claims. We think that, either expressly, or by implication, he told his subordinates to leave Leeways and Mr Cooper alone. He was no match for the Assistant Director of the Social Case Work Division, whom we have already described as a formidable personality, in Directorate battles. She was

rightly seen as a person who fought to get what she wanted done, and did not mind if she got a bloody nose in the process. We believe that staff in Social Case Work would have felt confident of her support and ability to sort out difficult problems, which found no parallel in Residential Services.

- 11.8 This imbalance between the two Divisions was further distorted by the relationship which developed between the Assistant Director for Social Case Work and the man who was Principal Officer (Children's) from 1978 until 1984. His views were then seen as being hers, and her "power" as having spread to the Residential Division itself. This perception undermined still further the morale of the Residential Division.
- 11.9 The strength of trade union support for Mr Cooper has never been put to the test. No one in Residential Management was able to give us any actual incidents where their attempts to discipline someone for bad practice were blocked and frustrated by the unions. They have a proper role to play in protecting their members' interests. We believe that many of their members would accept that if there is a conflict of loyalties, the ultimate

responsibility must be to the children in care. We believe that fear of the Unions, which are perceived by Management as more powerful than they probably are, has provided Management from about 1979 onwards with an excuse for evading its own responsibilities, and seriously undermines their credibility as an effective force.

11.10 This is linked to certain fundamental misconceptions about employment law about which urgent education is required. We thought it worthwhile to obtain Counsel's opinion on some of the issues raised (see Appendix 2). Management, in the last resort, does have the right to sack people for incompetence or unsuitability, providing it has tackled the matter systematically and given its employees an opportunity to reform and improve their performance. We return to this theme in section 18.

11.11 As in many organisations, it is fortuitous in Lewisham Social Services whether the people involved in Management have any natural talent for the post. We consider the quality of management training and development in section 20 below.

12. CURRENT MANAGEMENT PROBLEMS

- 12.1 As is clear from the foregoing, there have been substantial changes in the Management Team since 1982. Many people have tried very hard to convince us that the responsibility for failing to tackle Mr Cooper rests largely with the previous Management and that he would not have been allowed to get away with it with the present Management Team and structures. We are unable to accept this view.
- 12.2 We think that there have been some improvements. The present Management Team is more accessible to junior staff. The staff themselves are better trained. There is less isolation from Eros House, and the Heads of Home have less autonomy. Everyone attends regular meetings of some sort. There are weekly Heads of Homes meetings. This is perceived by Management at Eros House as a very valuable development from the previous pattern of monthly meetings. It is less highly regarded by those who attend them, who realise that the meetings have no power to change anything. Staff meetings are also a regular feature, and staff are encouraged to share problems and develop mutual support systems. We think it unrealistic to believe

that junior staff with serious doubts about the behaviour of the Head of Home would be able to use these meetings to tackle them. These meetings do not include the domestic staff. We think that they should. (Para. 16.3).

- 12.3 The Assistant Director is generally well regarded. She has had a lot to tackle since she came into post. There has been the review which has decimated the Residential Child Care Service, the industrial dispute and the managerial reorganisation.
- 12.4 Nevertheless the fact remains that the current Management Team also failed to tackle the problem of Mr Cooper effectively (see paragraphs 5.24 to 5.27,) at a time when there was little actual reality behind the various "myths" to which we have referred in section 11.2. By 1982 he had no real support from the Social Case Work Division. In May 1983, the Chair of Social Services who supported Mr Cooper was replaced. Despite all this, no action was taken. Even more extraordinary is the fact that Mr Cooper continued to occupy Leeways for almost a year after the last child left, and that the domestic staff continued to be employed for his sole benefit. The reason

was apparently that Mr Cooper insisted that his contract required him to work at Leeways and nowhere else. No one seems to have pointed out to him that if there were no children there, his job was, in the true sense of the term, redundant.

12.5 In other ways, we consider that the situation is probably worse than before 1982. The management structure of the Department as a whole has been weakened. There has been no effective Director since 1982 and only an Acting Director since March 1985. The Assistant Director of Social Case Work has not been replaced since she left in March 1985. There is no Assistant Director for Planning and Development.

12.6 There is an overwhelming lack of managerial direction. Hardly anyone has clearly defined responsibilities and in consequence, no one is accountable. An important element in this is the actual and perceived role of the elected members.

12.7 Since 1983 the Chair and Vice Chair of Social Services have played a greater rôle in the day-to-day running of the Social Services Department than was previously the case. Both are

politically committed to the philosophy that elected members should have greater control of managerial decisions. They meet weekly with the (Acting) Director. This is partly a reaction to a feeling that the previous Director (pre 1982) was not sufficiently accountable. It is also understandable, given the weakened Management, that they should not have been confident that their policies would be carried out.

12.8 We have to say that this approach has been, and in our view, will continue to be, seriously detrimental to the development of an effective Management, which will be able to tackle the future Mr Coopers or anything else. The reasons are:-

- (i) Management at Eros House is always looking over its shoulder wondering whether its decisions are going to be undone by the elected members.
- (ii) Management is able to evade its own responsibility for action and blame its lack of action on elected members.
- (iii) We doubt whether anyone of real calibre will be attracted to the post

of Director or any Senior Management post, if they are not permitted to manage.

- (iv) Elected members are seldom full time. It is quite unrealistic to think that they can have more than part-time involvement in some of the numerous decisions which a department like this has to take. The risk is not only that they will burn themselves out and cease to be able to tackle the responsibilities which are rightly theirs, but also that nothing is ever actually achieved.

12.9 The delay in completing the Residential Review (a fresh proposal for this was made in July 1984) and the reorganisation of the Residential Management Services, is largely due to this interaction between the Management and elected members which prevents them from achieving objectives which both agree are desirable. These reviews have been hanging in the air for far too long, and have had a devastating effect on morale. Staff have little confidence in Management's ability to achieve anything. Management perceives itself as powerless and is so regarded by those whom it has to manage. The reorganisations in themselves will contribute

towards improving the clear delineation of responsibilities and accountability.

12.10 Some of the management problems are compounded by the difficulties of long-term planning in any organisation where the political perspective is five years or less. Decisions tend to be taken on a year to year basis. This has been highlighted in relation to the Residential Review where the "package" originally envisaged that funds would be released from the sale of properties which would be used to improve the remaining services. This longer perspective has been thwarted by subsequent decisions to reallocate those funds. The current rate capping stance by Lewisham also creates uncertainties. The politicians say publicly that no services will be lost. There is not much confidence among the staff that they will be able to redeem this pledge if the Government remains intransigent. People feel that their jobs are under threat, whilst being assured that they are not.

12.11 In section 20 we deal with the importance of individuals being given clear statements of their responsibilities. We think that the Residential Division ought to have some method of deciding its collective aims and objectives

- which should be guidelines for action - and of evaluating its success in achieving them. Similarly, residential homes which are given a clear task to perform should know what is expected of them collectively and their performance as a group should also be assessed.

¶ We recommend that the elected members should urgently consider their proper role. In our view they should decide on policy and how they want their objectives carried out. They should leave the carrying out of those policies to their officers. If those officers refuse or fail to do so then the elected members have the power to discipline and ultimately dismiss them.

¶ We recommend that all those in positions of management should have clearly defined responsibilities and be held on account for the manner in which they carry out those responsibilities.

¶ We recommend that the Residential Care Review and the reorganisation of the management structure of the

Residential Division should be implemented as soon as possible.

13. WAS THERE A COVER-UP?

- 13.1 We have referred at a number of points to the absence of any record of certain crucial events and conversations. We have considered whether their absence was part of a concerted attempt by Management and/or Mr Cooper to prevent what was known about Mr Cooper from coming to light.
- 13.2 We consider in the following section the whole question of record-keeping. It is clear that the present system is seriously flawed. The filing system of the Residential Division is different from the central filing system, and appears to exist to store information, not to retrieve it. It is at least as likely in our view that vital information got "lost" or destroyed innocently, as that it was done deliberately.
- 13.3 There are two main points at which Management might have organised a cover-up. One is 1978 when the 5 junior staff made their complaints. (Paras 5.17 - 19). Their only motive for doing so would have been to prevent a scandal. On the other hand, it was very much in their interests, if Mr Cooper was not "warned off" to have a record of the evidence which they had and the action they

had taken. We do not think that there was a cover-up at that time.

13.4 We have also considered whether there was an attempt to destroy relevant material which would have embarrassed the Department, between Mr Cooper's arrest and the setting up of the independent inquiry. We have concluded that there was not. We believe that those who have said publicly that the Council did not know about Mr Cooper's activities, genuinely believed that that was the case.

13.5 In either case, if there was such a cover-up, we believe that it has proved ineffective because we have received reliable evidence about the key events from other sources.

13.6 Has there been a cover-up by Mr Cooper? On his own admission he destroyed some confidential documents in the fire in the garden at Leeways in 1983 (para. 5.35). We do not know what they were. It is our view, however, that Mr Cooper was much too wily to record damaging material in the first place, and would therefore have had no need to destroy damaging material which was recorded.

14. RECORD KEEPING

14.1 (See also paragraph 13.2 above.) Lewisham appeared to adopt an "all or nothing" approach to record keeping. We could not help contrasting the voluminous nature of the files kept on the children and their families with the paucity of the staff records. Indeed it required considerable detective ability to work out from the files that some of the staff were actually at Leeways at all! Similar skills were required by the Department in order to reply to our request for the names of the people who had been employed at Leeways over the years since records are not kept of the establishments.

¶ We recommend that the Council establishes a uniform policy of record keeping. This system should ensure that trivia is separated from important information; that, where possible, records are typed, and that there are clear guidelines about when documents should be removed and destroyed. It should also ensure that information is readily accessible to those who need it.

14.2 One important aspect so far as the events at Leeways are concerned was the failure of the system of collecting and recording information to collate the concerns of parents, social workers and the residential team. As we have indicated we think that the Management Team in this case had sufficient evidence to at least issue formal warnings to Mr Cooper but in other cases, the collation of all relevant information may be crucial.

14.3 At the present time, the policy of the Council is not to record verbal warnings on a person's file.

¶ We recommend that verbal warnings should be recorded, if not in relation to all employees, at least in relation to those in Social Services. We also think that allegations of bad practice should be recorded on the personal file, together with the employees answers to the verbal warning or allegations.

This recommendation is linked to our consideration of staff training and assessment and should be read in conjunction with sections 18 and 20 below.

14.4 There is a widespread misconception within management that matters cannot be recorded on the personal file because the employees have access to the file and might sue for libel. It is not libellous to state the truth, even if it is defamatory. These files are probably the subject of qualified privilege, which would protect the maker and receiver of such statements if they were defamatory and untrue, provided that they were not made maliciously. In some cases there might not even be a "publication" for the purposes of the law of libel. This is a matter which the Council's own Legal Department could usefully clarify. We think that the risk of unfounded actions for libel being brought ought not to weigh in the scales against an open and accurate system of record keeping which is seen as part of a fair process of assessment and development of staff.

15. COMPLAINTS AND COMPLAINANTS

15.1 One of the problems in bringing events like this to light is that the people most likely to have relevant information are the people least likely to be listened to:-

- junior staff and domestics
- children
- parents, usually those parents who are always complaining about something!

We have tried to consider what measures, if any, might increase their willingness to voice such complaints and the willingness of Management to listen.

15.2 Junior staff and domestics

We have set out in some detail (paragraphs 5.8, 5.11, 5.15 to 5.18) the way in which the junior staff who complained at different times were actually dealt with. We think that they were treated appallingly and that it is quite deplorable that they were all allowed to feel that they had to leave. We think it probable that junior staff will continue to be inhibited about complaining for fear of getting bad references, no promotion or being dismissed.

There is a further practical problem. It is almost impossible to secure any privacy for complainants at Eros House. The structure and layout of the building, and the lack of adequate facilities ensure that the presence of anyone at Eros House is almost inevitably public knowledge.

15.3 As we have indicated (paragraph 12.2) we think that there have been changes which would make staff more willing to approach management about similar problems, with more confidence that they would be listened to. As we have highlighted in section 12, we do not think that they have much confidence that anything would actually be done about such complaints! Some vital pieces of evidence to our inquiry have come from the domestic staff.

¶ We recommend that domestic staff should, wherever possible, attend staff meetings.

¶ Those who make complaints should be told by management what action has been taken to deal with their complaint, or if no action was taken, why not.

Proper reception facilities should be established at Eros House or elsewhere, to try and ensure privacy for those who wish to discuss matters in confidence. Resources may need to be provided for this.

15.4 The children

We deal with this aspect in sections 6, 7 and B.6 to 8 above. We have also considered the suggestion put to us by some witnesses that there should be a visiting "friend" who comes on a voluntary basis and whose rôle would be to get to know the children and be a trusted adult in whom they could confide. Bearing in mind that the children coming into residential care are generally older than those who were in Leeways, we have concluded on balance, that this is not desirable. The child's initial confidant should be the Residential Care Worker responsible for him or her. That Residential Worker should make it clear to the child that his or her Social Worker is the person to whom the child should turn in the event of a breakdown in the relationships within the children's Home.

15.5 The particular problem in Leeways, of course,

was that the children were very young. Most children in residential care are now older and more able to articulate complaints. We understand that consideration is being given to developing a complaints procedure for children in care. We would support this.

15.6 If a child gets to the stage of making allegations of child abuse, including sexual abuse, it may be that use could be made of the Council's own child abuse procedure to handle such complaints. We have insufficient information to make a clear recommendation about this, but it does deserve consideration.

¶ We recommend that consideration be given to establishing a complaints procedure for children in care. We do not think it advisable for a special person to visit the Home to become the children's "friend".

15.7 The parents

We think that realistically parents are not likely to have their complaints listened to. Complaints by parents about child care practice at Leeways would not have been listened to, because Mr Cooper would always have had a

plausible explanation, usually a "good" child care one, for his actions. Many parents, having handed over their children to the "experts" are hesitant and unsure of their ground, if they feel that something is wrong. Other parents are easily labelled as "always complaining" and not listened to for that reason. Generally there is an unwillingness to acknowledge that, however little general expertise in child care such parents may have, even inadequate parents often have an "expert" level of knowledge of their own child's behaviour and temperament. Professionals ought to listen more carefully to parents' complaints.

¶ We recommend that parents should be directed to the people responsible for taking action if they do have complaints.

16. OTHER ASPECTS OF COMMUNICATION

- 16.1 Many people had concerns about Mr Cooper (see sections 5 and paragraph 8.4.) which did not reach the Residential Division. The tension to which we have referred between the Residential and Social Case Work Divisions (paragraph 12.6) and the hierarchical structure of the Department, which does not at any level below Assistant Director allow "sideways" communication, both contributed to this. Information would be passed by a Social Worker to his or her senior and possibly thereafter "up the line". The Social Worker had no way of communicating that information directly to the proper quarter.
- 16.2 There is in any event (see paragraph 14.2) no way at present in which the information would be collated and this is a serious flaw.
- 16.3 We have also considered the question of the extent to which it is possible or desirable to collate people's "feelings" about other individuals, their unease or suspicions. We have no doubt that many of the people we have seen had that sort of unease about Mr Cooper which in the event proved to have been well-founded. This was often instinctive and there was nothing definite that they could point to as evidence

to substantiate their feelings. Nevertheless, these were the people who were "not surprised" by Mr Cooper's arrest, and for whom things "fell into place". In other cases, such suspicions may be no more than prejudice and could be seriously damaging to the individual concerned. We think that it is probably impracticable to organise a system which could fairly record such information. We are also concerned that to try and do so would undermine any trust between workers which in itself could result in poorer quality child care.

16.4 We think it essential, however, for all staff, especially junior staff, to be aware of an appropriate person or organisation with whom to discuss matters of concern about their immediate superior. Residential staff need a link with someone outside the Home, a person in whom they can have trust that their confidence would not be broken. This may be a proper rôle for the trade unions and professional associations, and we think these bodies have a responsibility to ensure that staff are aware of this facility. In our view (paragraph 12.2) the current management have made improvements in this area. However, so far as we are aware, they have not yet been called upon to deal

with a complaint by a junior member of staff against a Head of Home whom they themselves had helped to appoint and in whom they had complete confidence. We wonder how much "openness" to possible criticism there actually would be in that event.

¶ We consider that it is part of proper staff development that they should be told about the channels of complaint and the persons whom they should consult.

¶ We recommend that there should be within the Department clear guidance about who is responsible for dealing with different complaints. Staff should be encouraged to take matters directly to that person, as well as discussing it with their own manager.

17. RECRUITMENT AND SELECTION

17.1 We think it is unrealistic to believe that it is possible entirely to prevent unsuitable people from being employed in child care. That does not mean that recruitment procedures should not attempt to minimise the chances of that happening, merely that on their own they cannot succeed.

17.2 Given the state of the residential services in 1966, we do not think that Lewisham can be criticised for employing Mr Cooper, or for its recruitment procedures at that time (see paragraph 5.2). They made all the available checks. Mr Cooper had no convictions. We have no reason to believe that his previous employers suppressed information which they should have passed on, suggesting that Mr Cooper's interest in the children in his care was unhealthy.

17.3 It has been forcibly put to us that the present recruitment policies and procedures make it less rather than more likely that unsuitable people will be weeded out at interview. We have seen the present recruitment manual,

introduced in 1984. This was prepared by Central Personnel Division without consultation with the large Departments such as Social Services, which have their own Personnel Section. There is a feeling that the procedures do not meet the special needs of the Department when interviewing applicants for residential posts.

17.4 We should make it clear that this criticism has not been directed towards the Council's Equal Opportunities Policy. It is the Council's policy to employ homosexuals in residential child care posts, provided that their sexuality does not interfere with their work. It has not been suggested to us that this policy should be changed, except by those who automatically equate homosexuality with indecent behaviour with small boys. Many of the people who encountered Mr Cooper believed that he was a homosexual. Knowledge of the Council's employment policy did contribute towards the reluctance of some of them to challenge Mr Cooper's position. This was marginal.

¶ We do not recommend any change in the Council's Equal Opportunities policy.

17.5

Similarly, it has been suggested to us that only married couples should be employed as Heads of Homes. Whilst this might contribute to a reduction in sexual misbehaviour, it is no guarantee that other forms of child abuse would not occur, and indeed might lull employers and others into a false sense of security.

¶ We do not recommend that only married couples be employed in child care.

17.6 We do not accept much of the criticism which has been made of the recruitment manual. There is understandable resentment in Social Services about the fact that they were not consulted about it, which was obviously unsatisfactory. The guidelines do seek to establish a more systematic approach to evaluating the candidates for a job. The problem is that they have been interpreted as providing rigid rules, rather than as the adaptable guidelines they were intended to be. The training programme for those who are to use the manual has also hardly begun. There also needs to be urgent discussion about each group's recruitment needs, and how the manual can best be used to meet those needs.

the manual can best be used to meet those needs.

¶ We recommend that the training programme for use of the recruitment manual be speeded up and that urgent discussion take place about the recruitment needs of the various Departments and how the manual can best be adapted to meet them.

17.7 We think that the Social Services do have a legitimate concern. Paragraph 12.8 of the recruitment manual provides:-

"Candidates must be judged solely on the evidence before the selectors of the candidate's ability to do the job in question."

Where complex human relationships are concerned, a candidate's suitability to do the job is at least as important as his or her ability. This is particularly important when considering those who are expected to provide a very high level of child care, especially in a residential setting. This consideration appears to be excluded by paragraph 12.8 of the recruitment manual. We think that there are arguments for saying that special considerations should apply.

17.8 Recruitment still depends heavily on interview and references. We deal at paragraph 19.8 below with the involvement of elected members in interviews. We think that the manual contains much useful advice about how interviews should be conducted, provided two crucial matters are borne in mind:

- (i) that a good interview is one in which the maximum information passes both ways and
- (ii) that it is not questions which are discriminatory, but how the answers are dealt with.

¶ We recommend that urgent consideration be given to whether or not the recruitment manual requires modification in order to reduce the chances of unsuitable people being employed.

¶ We recommend that those interviewing for jobs in child care should be permitted to ask questions directed towards a candidate's suitability for such employment.

17.9 When taking up references, Lewisham do not specifically ask whether anything is known about a candidate which would make him or her unsuitable to work in child care. We have seen such requests from other London Boroughs seeking references from Lewisham. We appreciate that the chances of information coming to light in this way may be quite small, but it would seem to be an elementary precaution.

17.10 Although checking a candidate's convictions would not have prevented the employment of of Mr Cooper, since he had none, our inquiry has revealed a number of flaws in the system by which this is done.

(i) It is Council policy not to enquire about convictions which are "spent" under the Rehabilitation of Offenders Act 1974 notwithstanding that jobs in child care are exempt from its provisions. It has recently been proposed that this could be changed, and we agree that it should be.

(ii) Enquiry is usually made of the D.H.S.S. whether anything is known about a candidate which makes him or her unsuitable

for employment in child care. This has hitherto been regarded by Lewisham as a reliable vetting mechanism. It clearly is not. The D.H.S.S. only record convictions against those who, at the time of conviction are or were in child care work. So far as matters other than convictions are concerned, the system depends heavily on local authorities and voluntary organisations passing on information about candidates who may be unsuitable.

¶ We recommend that enquiries should be made as to whether or not a candidate for child care employment has "spent" convictions, or is otherwise unsuitable for employment in child care.

¶ We recommend that, if possible, Lewisham, together with other local authorities should press for all relevant information to be collated by the D.H.S.S. particularly records of convictions.

17.11 We do not think that recruitment of staff can be separated from their subsequent assessment

and development, and this section should be read in conjunction with sections 18 and 20 below.

18. JOB DESCRIPTIONS, ASSESSMENT AND CONFRONTATION

18.1 As we have indicated, we think that, on appointment every employee concerned in the care of children should be given:

- (i) A clear statement of his or her job description and responsibilities
- (ii) A statement of the Authority's statutory duty to safeguard and promote the welfare of the children in its care, and its wish to provide the highest possible quality of care and that the responsibility of its employees is to place the interests of those children first and foremost.
- (iii) A statement that an employee is liable to be dismissed in the event that his or her personal life seriously impairs his or her ability to care for the children or his or her charge or makes an employee unsuitable to do so, or if he or she is unable competently to perform his or her duties, thereby preventing the Council from carrying out its statutory obligation to the children in its care.

(iv) An adequate description of the organisation's structure and his or her role within it.

(v) A statement that all employees are expected to take part in appropriate training and development programmes provided by the employer.

The receipt and understanding of these documents by the employee and the incorporation of them into the terms of employment should be acknowledged in writing by the employee on appointment. Any subsequent changes to any of these statements, which affect the nature of the job which he or she is employed to do should be similarly acknowledged.

18.2 These conditions of employment should be linked to a proper training programme (see section 20) to encourage the development of the skills necessary for the employee to carry out his or her duties.

18.3 The progress and performance of staff should be regularly monitored and assessed by their Managers. If there are problems these should

be tackled at an early stage. We believe that this is an important aspect of effective management. It seems to us that there is a general reluctance to confront staff who are not performing adequately with the criticisms which are made. We have indeed highlighted this as one of the major reasons why Mr Cooper was allowed to continue unchecked for as long as he did. In consequence, staff are not given a proper opportunity to improve, and there is a general feeling that criticisms are made "behind your back". There is no reason why weakness cannot be dealt with informally in the first instance.

18.4 The Council is at present revising its formal disciplinary procedures. As stated (paragraph 15.3) we think that verbal warnings and the employee's responses should be recorded, as well as written warnings. Provided that disciplinary procedures are operated fairly, unsatisfactory employees can be dismissed. (See Appendix 2.) We think that the right to dismiss an employee who, despite proper training, is unable or unwilling to improve his or her performance is an essential safeguard if children are to be properly cared for. This is an important corollary to the present recruitment policies which allow only limited

investigation into a candidate's personal circumstances.

¶ We recommend that all employees whose personal life seriously impairs their ability to care for the children in their charge or makes them unsuitable to do so or who are unable competently to perform their duties and thereby prevent the Council from carrying out its statutory obligations to children in its care should, subject to proper procedural safeguards, be dismissed.

¶ We recommend that all employees are given the documents detailed in paragraph 18.1 above and that those documents should be incorporated into the terms of employment.

¶ We recommend that the progress and performance of staff should be regularly monitored and assessed and they should be confronted with any criticisms so as to enable them to improve their performance. This is linked to our recommendation that there

should be a corresponding duty on the
Local Authority to provide proper
training and development opportunities.

19. THE ELECTED MEMBERS

19.1 Elected members have a statutory duty to ensure that children's homes are visited once per month. This duty is contained in Regulation 2 of the Administration of Children's Homes Regulations 1951 which provides:-

" (i) The administering authority shall make arrangements for the Home to be visited at least once in every month by a person who shall satisfy himself whether the Home is conducted in the interests of the wellbeing of the children and shall report to the administering authority upon his visit and shall enter in the record book referred to in paragraph 3 of the Schedule hereto his name and the date of his visit.

(ii) Where the administering authority is a Local Authority the arrangements shall secure that the person visiting is a member of the Children's Committee of the Local Authority [now the Social Services Committee], a member of a sub-committee established by that committee or such officer or one of such officers of the Local Authority as may be

designated by the arrangements."

The practice in Lewisham has been that these visits are carried out by the elected members themselves and have not been delegated to an officer. At present these are not being carried out with any regularity. Previously, visits were organised on a rota. Periodically, there would be a drive to encourage members to visit and for a time they would do so. Then the visits would tail off again. On average, less than half of the rota visits were marked as having taken place. Most of the visits were made without prior appointment.

19.2 Guidelines for the visits were produced about 6 or 7 years ago. They do provide realistic guidance for the members as to the checks which they can be expected to make. These guidelines do not seem to be in current use, nor are the Officers responsible for the management of residential homes aware of their existence or contents. Cards were provided for those members with nothing to report to record the fact of their visit. Some members chose to write about matters drawn to their attention, usually matters of maintenance and repair. All the evidence we have received suggests

that such matters are the ones most likely to be taken up by members. We found two instances where members complained that they had been treated in a perfunctory way by Mr Cooper and had not felt able to carry out their duty properly. On each of these occasions, Mr Cooper had an explanation which was passed back to the member concerned.

19.3 The value of such visits has obviously been a matter of concern to and discussion among members over the years. It is felt that they are not as valuable as they might be. If the rotas are organised so that members visit only once or twice per year, it is difficult for them to get to know the staff or the children or to form more than a superficial impression of the way the Home is run. On the other hand, if a group of members visit the same Home regularly they may be sucked into the ethos of a particular Home and become less critical than they should be in their judgments.

19.4 Leeways appears to have had a combination of both forms of visit over the years (see paragraph 5.6). Neither brought to light Mr Cooper's behaviour, nor do we think that they could reasonably be expected to do so. We are unable

to suggest any way in which these visits could be organised so as to make it more likely that elected members would be alerted to such matters. We believe that part of their role may be negative - to bear in mind that time spent answering members' inquiries may distract staff from carrying out their other duties. Similarly, the belief that matters of maintenance etcetera will be taken up by elected members may enable those responsible for ensuring that such work is carried out to evade their proper responsibilities.

19.5 We do not think that the statutory obligations imposed can simply be ignored, as appears to be the case at present. It may be considered that they could appropriately be delegated to officers in accordance with Regulation 2(2). On the other hand, it does seem to us that if the members have clearly in their minds that their duty is to satisfy themselves that the Home "is conducted in the interests of the wellbeing of the children" they can bring a different perspective to that task from that of the officers. We believe, for example, that in carrying out these visits, the members could ensure that the policies of the Social Services Committee are being carried out in

children's homes. Their reports should go to the Director and the Director should reply.

19.6 We believe that the Social Services Committee has an important role to play in ensuring that when matters of general policy are considered by the full Council or by other Committees which have implications for Social Services they should unite to "fight the Social Services' corner". It may be that this already happens to a greater extent than has been revealed to our enquiry. We do feel that conscious efforts need to be made by elected members and the Department to increase mutual trust and confidence, and the feeling that they were fighting on the same side on some issues might help this process.

19.7 We consider at paragraphs 12.7 to 12.8 above, the role of elected members generally in the management of the Department.

19.8 So far as recruitment is concerned (see section 17) we think that elected members are involved at far too low a level. It is purely fortuitous if they have any expertise in interviewing or recruitment. Very few appear to have been trained in the use of the Recruitment

Manual or in interviewing techniques.

¶ We recommend that training in the use of the Recruitment Manual and interviewing techniques should be made available to Councillors.

20. TRAINING AND DEVELOPMENT OF STAFF

20.1 The Social Services Department has an adequate training budget, but in our view does not make the best use of the resources it has available.

20.2 For historical reasons, the training in the Social Case Work Division has become separated from the training of the rest of Social Services. The post of Residential Child Care Training Officer was created about two years ago but has never been filled. It is our view that Social Services should have its own training section, with its own budget, which is responsible for all training within the Social Services Department in order to make the best use of available resources.

¶ We recommend that this integration of training sections within the Social Services Department should take place as soon as possible.

20.3 At the present time, training at all levels is equated with "going on courses". Training (other than obtaining professional qualifications), therefore tends to take place in something of a vacuum and it is a matter of chance whether it enables an individual to develop appropriate

skills for the job which he or she is employed to do. There is no system for training staff adequately in the management skills required for the next level of responsibility. It is particularly difficult to organise residential staff to go on courses, and can be wasteful of resources as adequate cover has to be available during their absence.

20.4 There is no realisation within the Residential Division that the development and training of staff is the responsibility of their immediate managers. We think that the only way to effect a real improvement in the overall quality of staff training and development is for each manager to become responsible for the training of his or own staff and to be accountable for seeing that this is done.

20.5 The role of the Training Officers would then be:

- (i) To enable managers to carry out their training role.
- (ii) To act as consultants to managers and the Service in general.

(iii) Where they themselves have teaching skills they should be encouraged to use them for in-house training.

(iv) To supervise trainees on qualifying courses and

(v) To administer the training within the Department.

20.6 Supervision of Heads of Homes has been the responsibility of the Residential Adviser. This post is purely advisory as the Adviser has no management function. As we have indicated (paragraph 5.24), this caused some problems in dealing with Mr Cooper. Under the proposed reorganisation this post would become an executive one, and we approve of this development.

20.7 There was a lack of proper supervision of Mr Cooper in the sense of someone with whom he was willing to discuss problems and matters of concern. To some extent this was because of a clash of personalities between him and the Residential Adviser from 1980 onwards, but it was also because there was no expectation or requirement when Mr Cooper was employed

that he would receive such supervision. In our view, this expectation, which we see as part of proper staff training and development, should be clearly stated when people are employed. (See paragraph 18.1).

20.8 The way in which such supervision is carried out at present leaves much to be desired. It may take place in the residential homes, but usually takes place at Eros House. It can be either individual or in small groups. In either event, the facilities at Eros House are quite inadequate to ensure the appropriate degree of privacy. Usually, the Principal Officer has to vacate his room, as this is the only suitable place for such supervision to take place. The sessions usually last an hour and take place irregularly. The quality of the supervision given in those circumstances seems to us to be questionable. The perception of the current supervisory process, as put to us by some of the staff supervised, is of one way communication by the Residential Adviser. Whether or not this is objectively true, supervision perceived in this way does not seem to us to be fulfilling its proper function.

¶ We recommend that training and development of staff becomes the responsi-

bility of their immediate manager who should be accountable for seeing that this is properly carried out.

¶ We recommend that the present pattern of providing supervision within the Residential Division be reconsidered and improved. Such supervision should be seen as part of a proper staff training and development programme.

20.9 We have referred to the isolation and lack of training of the basic grade staff as contributory factors in the failure to bring Mr Cooper's behaviour to light. As set out in paragraph 18.1, we are of the view that new staff should have the structure of the organisation and their contacts within it made clear to them on appointment. At present there is no induction training. It was discontinued in the autumn of 1984 and in our view should be reinstated. There is now more mobility of staff and we think that staff should be encouraged to be more mobile for their own development, consistent with the need to provide continuity of care.

20.10 There is still little opportunity for "sideways"

communication - for staff in children's homes to meet each other and exchange experiences (see section 16). We feel that this should be encouraged.

¶ We recommend that induction training in some form be reinstated as soon as possible.

¶ We recommend that staff should be encouraged to be more mobile for their own development, consistent with the need to provide continuity of care. and contact with staff in other homes should be encouraged.

21. PRINCIPAL CONCLUSIONS

1. That Mr Cooper was able to remain undetected for as long as he did because he did not intend to be found out and was able to manipulate a defective system to his advantage. Some of his bad child care practices within Leeways made it easier for him both to commit the offences and remain undetected. (Section 9)
2. That none of the staff at Leeways knew what was going on although some of them ought to have realised. (Section 9)
3. That at least from 1978 onwards, Mr Cooper's immediate superiors were aware of unacceptable behaviour in a Head of Home which had sexual implications. (Section 5.17 to 5.19, section 10)
4. That over the same period Management failed to tackle Mr Cooper about the allegations of bad child care practice for reasons which do not stand up to scrutiny. (Sections 11 and 12)
5. That, given the multiple weaknesses in the system which we have identified, many of which were not specific to Leeways, anyone who was sufficiently determined could have got away with even more serious misbehaviour. It is remarkable that

much worse things did not happen.

6. That the situation has improved in some ways but not fast enough. Radical changes in organisation and attitudes need to be made to effect any real improvement. This is not mainly a question either of money or of organisation structure. (Section 12)

7. That, at almost every point at which collectively or individually the people involved had to choose between making the welfare of the children the first consideration, and some conflicting loyalty or priority, they chose the latter. They did so not from malice or deliberate wickedness, but because they did not keep in the forefront of their minds their statutory obligation to the children in their care.

22. PRINCIPAL RECOMMENDATIONS

We recommend that:

Organisation and Structure

1. The elected members should urgently consider their proper role in the Department. In our view they should decide policy, and how they want their objectives carried out. They should leave the carrying out of those policies to their officers. If those officers refuse or fail to do so, then they have the power to discipline and ultimately to dismiss, them. (Paragraphs 12.7 to 12.9)
2. All those in positions of management should have clearly defined responsibilities and be held to account for the manner in which they carry out those responsibilities. (Section 12)
3. The Residential Care Review and the reorganisation of the Management structure of the Residential Division should be implemented as soon as possible. (Section 12).

Staff Development

4. All employees should be given, on appointment, a clear job description and a statement of their responsibilities together with the other documents detailed in paragraph 18.1 and that those should be incorporated into the terms of employment.
5. The progress and performance of staff should be regularly monitored and assessed and they should be confronted with any criticisms so as to enable them to improve their performance. This is linked to our recommendations that there should be a corresponding duty on the employer to provide proper training and development opportunities. (Section 18)
6. Employees whose personal life seriously impairs their ability to care for the children in their charge or makes them unsuitable to do so or who are unable competently to perform their duties and thereby prevent the Council from carrying out its statutory obligations to children in its care should, subject to proper procedural safeguards, be dismissed. (Section 18)

7. Verbal as well as written warnings should be recorded, if not in relation to employees generally at least in relation to those in Social Services. Allegations of bad practice should also be recorded on the personal file together with employee's answers to the warning or allegation. (Paragraph 14.3)
8. The integration of the training sections within Social Services should take place as soon as possible. (Paragraph 20.2)
9. Management should accept that it has a duty to provide proper opportunities for staff training and development. (Sections 18 and 20)
10. Training and development of staff should be the responsibility of their managers who should be accountable for the way in which they carry out this responsibility. (Section 20)
11. The present pattern of providing supervision within the Residential Division should be reconsidered and improved. Such supervision should be seen as part of

proper staff training and development.
(Section 20)

12. Induction training in some form should be reinstated as soon as possible. (Section 20)

Dealing with complaints

13. As part of proper staff development, staff should be told about the channels of complaint and whom they should consult. (Section 16)
14. There should be clear guidance within the Department about who is responsible for dealing with different complaints. Staff should be encouraged to take matters directly to that person, as well as discussing it with their own manager. (Section 16)
15. Those who make complaints should be told by Management what action has been taken to deal with their complaint, or if no action was taken, why not. (Section 15)
16. Proper reception facilities should be established at Eros House or elsewhere, to

try and ensure privacy for those who wish to discuss matters in confidence. (Section 15)

17. Domestic staff should, wherever possible attend staff meetings. (Paragraph 15.3)
18. Parents with complaints should be directed, where appropriate, to the person with responsibility for dealing with that complaint. (Paragraph 15.7)
19. Consideration be given to establishing a complaints procedure for children in care. We do not think it advisable for a special person to visit the home to become the children's "friend". (Paragraph 15.4)

Departmental Records

20. The Council should establish a uniform policy of record keeping. This system should ensure that trivia is separated from important information; that, where possible, records are typed; and that there are clear guidelines about when documents should be removed and destroyed. It should also ensure that the information is readily accessible to those who need

it. (Paragraph 14.1)

Recruitment and Selection of Staff

21. The training programme in the use of the Recruitment Manual should be speeded up and that urgent discussion should take place about the recruitment needs of the various Departments and how the Manual can best be adapted to meet them. (Paragraph 17.6)
22. Urgent consideration be given to whether or not the recruitment manual requires modification in order to reduce the chances of unsuitable people being employed. (Paragraph 17.7 - 17.8)
23. Those interviewing for jobs in child care should be permitted to ask questions directed towards a candidate's suitability for such employment. (Paragraph 17.8)
24. Enquiries should be made as to whether or not a candidate for child care employment has "spent" convictions or is otherwise unsuitable for employment in child care. (Paragraph 17.10)

25. If possible, Lewisham should press, together with other Authorities for all relevant information to be collated by the D.H.S.S. about candidates for employment. (Paragraph 17.10)
26. Training in the use of the Recruitment Manual and interviewing techniques should be made available to elected members. (Section 19)

Miscellaneous

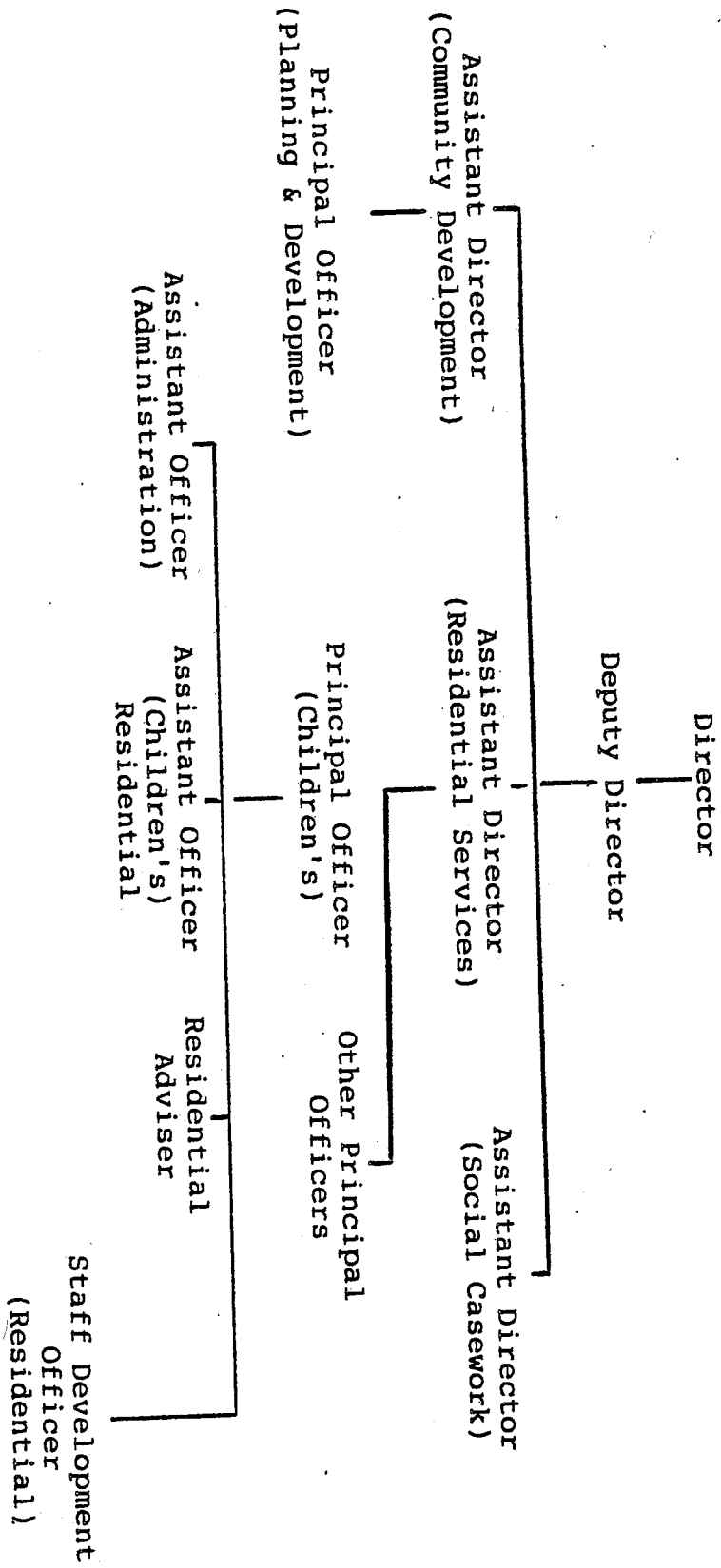
27. A programme be implemented to enable residential workers to detect child abuse, including sexual abuse, and to provide children with appropriate information to help them to protect themselves. Additional resources might be necessary to fund such a programme. (Section 8)
28. Staff should be encouraged to be more mobile for their own development, consistent with the need to provide continuity of care and contact with staff in other homes should be encouraged. (Section 20)

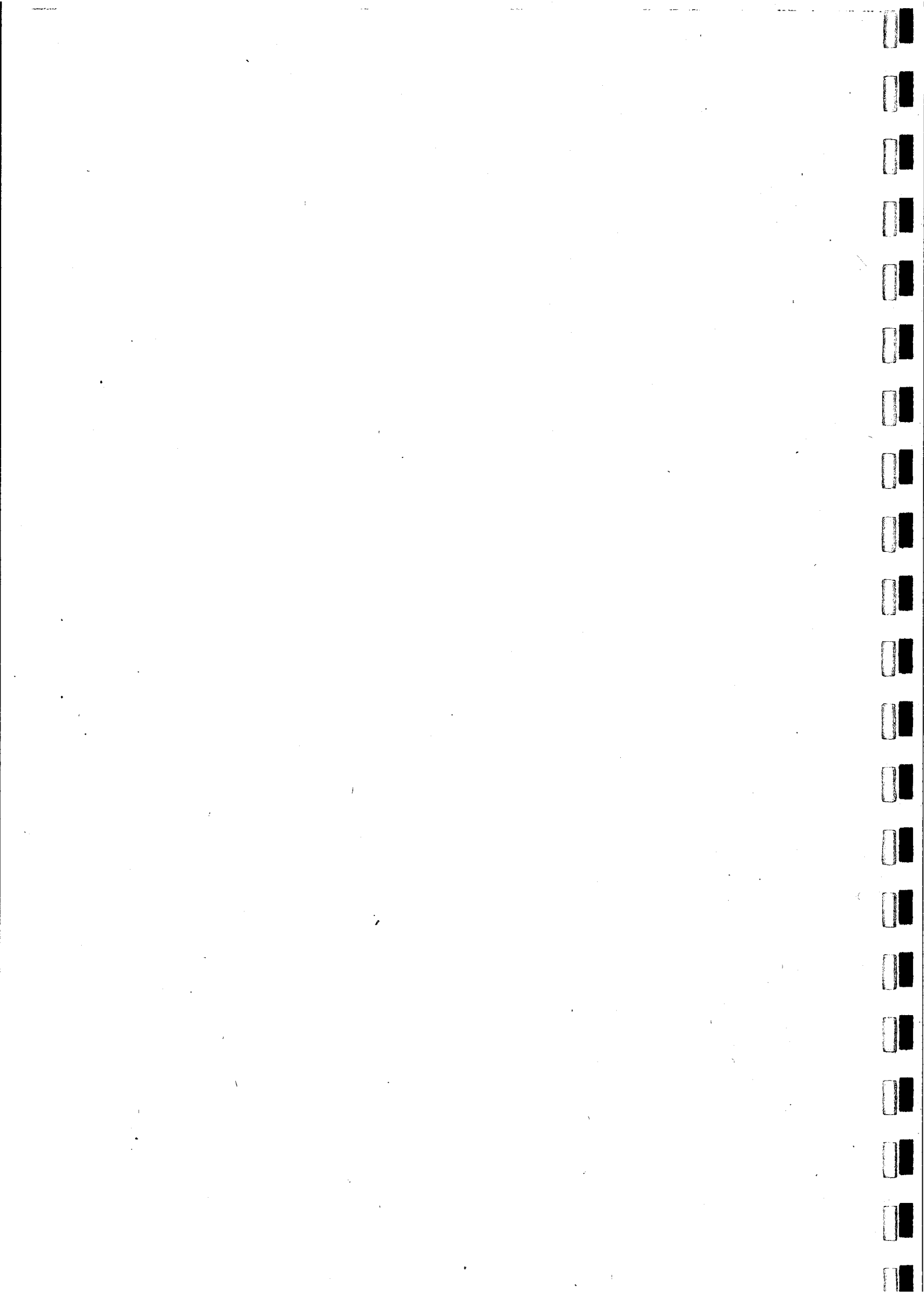
We do not recommend:

29. Any change in the Council's policy of equal opportunities. (Paragraph .4)

30. That only married couples be employed in child care.

STRUCTURE OF RESIDENTIAL DIVISION (CHILDREN)
1971 to 1982





APPENDIX 2

IN THE MATTER OF THE LONDON BOROUGH OF LEWISHAM
SOCIAL SERVICES DEPARTMENT

A D V I C E

1. I am asked to advise on certain points which arise in relation to the Council's employment of a House Parent at a Children's Home in Bromley.

2. The first question concerns the extent to which a House Parent can insist upon remaining in office at the particular Children's Home at which he or she has worked, in the event of that Home ceasing to have any children. The essential point is "Can the Local Authority insist that the House Parent in such circumstances works elsewhere?" My advice on this point is on the general position in employment law. I do not know the statutory context in which the Home was set up and I do not know if there are any Regulations which alter or affect the general law.

3. In general, an employer can only require an employee to work at more than one place if there is an express or implied term in the contract of employment which allows for this - a "mobility clause". (See O'Brien v Associated Fire Alarms Limited [1969] 1 All ER 93 C.A.) I have seen some of the documents relevant to the contract of employment in question. In particular the job application form stated that the "title of the post" was "House Parent - in-charge (Class I) 17 Edward Road, Bromley, Kent". The Applicant's letter of acceptance describes the post in identical terms, as indeed does the letter confirming the appointment. These vital contractual documents seem clearly to treat the address at which the job was to be performed as part of the job description. I note that the job was a residential appointment. Subject to one caveat which I mention below, I take the view that the contract of employment did not provide for the House Parent to work at different places as required, but was limited to the position at 17 Edward Road. The caveat is this: in the letter of confirmation there is a reference to "... any rules formulated by the Council from time to time and to the general conditions of service as laid down by the former London County Council Interim

Panel, a copy of which may be seen at this office ...". These rules and conditions are thereby incorporated into the Contract of Employment. I have not seen and cannot be provided with these documents. It might be that a "mobility" clause would be contained in these rules and conditions. I suspect, however, that these would be in more general terms and would not contain such a provision.

4. If it is right that the House Parent's job was at 17 Edward Road and not anywhere else, then the question of the legal position once there were no longer any children at the home arises. Posed in that way it is obvious that there was a redundancy situation in those circumstances.

5. Section 81(2) of the Employment Protection (Consolidation) Act 1978, as amended, defines redundancy as:-

"(a) the fact that his employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed, or

(b) the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he was so employed, have ceased or diminished or are expected to cease or diminish."

The "place where the employee was employed" has been held to mean the place or places where, by his contract, he could be required to work (see e.g. U.K. Atomic Energy Authority v Claydon [1974] I.C.R. 128). Clearly, when the Local Authority ceased to carry on the business of child care at 17 Edward Road, the House Parent was redundant. He could have been dismissed for reason of redundancy and such dismissal would have been fair unless there was something unfair about the selection of that House Parent for redundancy. If dismissed for redundancy he would have prima facie been entitled to a redundancy payment, although this would not have been the case had he unreasonably refused an offer of suitable employment at one of the Council's other children's homes (section 82(3)). Indeed by virtue of section 82(7)(a) "inserted" by the Redundancy Payments (Local Government) (Modification) Order 1983 the offer of suitable re-engagement can come from any other "Local

Government" employer as so defined. In essence, for redundancy purposes, the whole of the Local Government service is to be regarded as one employer.

6. The second point on which I am asked to advise is on the lawfulness of including express terms in a House Parent's contract of employment providing for a power to dismiss in each of two cases:-

(i) where the personal life and/or conduct of the employee outside work interferes with his or her ability to care for the children in their charge or makes them unsuitable to do so.

(ii) Where the employee is unable competently to perform his or her duties thereby preventing the Council from complying with its statutory duties towards children in care.

7. There is no doubt in my mind that terms along these lines could properly be included in a House Parent's contract of employment. Indeed all three of the reasons for dismissal implicit in the proposed terms (conduct, competence and breach of statutory duty by employer if

employee not dismissed) are potentially fair reasons provided for by section 57 of the Employment Protection (Consolidation) Act 1978.

8. The third point which arises is whether the Council could lawfully dismiss a House Parent in the circumstances covered by the two proposed contractual terms which I have set out. Again the short answer is that the terms refer to potentially fair reasons for dismissal within section 57.

9. So far as competence is concerned (section 57(2)(a) and section 57(4)) the dismissal will be fair provided that the Council can show that it had reasonable grounds for its belief that the employee was incompetent (actual incompetence need not be proved) and that the procedure adopted for the dismissal was fair. It is far too large a topic to address in this Advice. In essence it involves proper warnings, notification of complaints, the giving of a chance to improve and so on. All will depend in the final analysis on the Industrial Tribunal's view of the reasonableness of the Council's decision to dismiss and the way in which it was carried out.

10. So far as incompetence preventing the Council from fulfilling its statutory duties in relation to children in care is concerned (section 57(2)(b)) the Council here must establish that due to the continued employment of the employee it would in fact contravene some enactment. However, if the Council believes on reasonable grounds that such would be the case then a dismissal might be fairly based on the catch-all "some other substantial reason" provision of section 57(1)(b). See Bouchaala v Trust House Forte [1980] IRLR 382. Again I must stress that even if the Council can establish a potentially fair reason, the dismissal will only be fair if the procedure (for dismissing) adopted is reasonable.

11. Conduct outside work is a more problematical area. A dismissal can be fairly based on such conduct only where it reflects on the employment relationship:-

"For off-duty conduct to qualify under this head it would seem that it must in some way be linked with the general relationship between employer and employee. A criminal offence outside the course of employment justifies dismissal only if it renders the employee

unsuitable for his work or makes him unacceptable to fellow employees."

(Hepple & O'Higgins on Employment Law, §617)

12. It is clear in my view that relevant sexual impropriety outside work would justify the dismissal of a House Parent. There have been a number of similar cases before the Courts (see e.g. Nottinghamshire County Council v Bowly [1978] IRLR 252 where the EAT held that the dismissal of a teacher who had been convicted of gross indecency was fair even though there was no evidence that he had indulged in relationships of any sort with pupils for whom he was responsible.) The high water mark of such decisions at present is a Scottish case in which a maintenance man at a children's camp was dismissed after admitting that he was a homosexual even though there was psychiatric evidence that he was not interested in, or a danger to, children. (See Saunders v Scottish National Camps [1980] IRLR 174 EAT: [1981] IRLR 277 Court of Session.) These decisions would in my view definitely be followed if the House Parent was found guilty of, or merely admitted to, sexual practices making him or her unsuitable for the job.

13. Conduct outside work of other than a sexual nature will not necessarily afford a justifiable reason for dismissal. Dishonesty as a rule will do; one recent case has decided that possession of cannabis by drama teacher will not do. However, precedents are of little value as this is an area where reasonableness in the circumstances is all important. If the out of work conduct can reasonably be viewed as affecting the person's suitability for the job of house parent then again provided a fair dismissal procedure is adopted a dismissal might be fair.

14. Finally I am asked to advise whether in the case of misconduct the Council would be justified in dismissing on the basis of, for example, the uncorroborated "evidence" of children. The answer is yes, provided reasonable efforts are made to investigate the allegations and after such investigations (which must include putting the allegations to the person in question) the Council genuinely believes, on reasonable grounds, that the allegations are true. See British Homes Stores v Burchell [1978] IRLR 378 EAT; Morley's of Brixton v Minott [1982] IRLR 270 EAT. The Council need not be satisfied on evidence which would be required

for a conviction in a criminal court. However, in any event, it is worth noting that even in the criminal courts the uncorroborated evidence of children is admissible, even though of course it must be treated with caution (see DPP v Hester [1973] AC 296 - sworn evidence). Again it is really a question of procedure. So long as a fair investigation has been carried out and the person under suspicion been given a hearing, the dismissal may be fair.

ANTONY WHITE

September 1985



