

CONFIDENTIAL

REPORT BY M.B. NEWELL FOR LEICESTERSHIRE SOCIAL SERVICES DEPARTMENT

Terms of Reference

"To investigate and produce a report on:

- (i) the actions taken by the Social Services Department in relation to the conduct of Mr. Frank Beck as an employee - in the light of the information available to the Department at that time

and

- (ii) the management processes in place at that time and since and whether they can be improved.

1.

INTRODUCTION

1. I was asked to undertake this investigation in the summer of 1990 following discussions and correspondence between the Leicestershire Social Services Department and the Social Services Inspectorate.

The circumstances were that Frank Beck had been charged with offences following a police investigation. My investigation was not to compromise this but to look at other aspects of his employment as set out in the terms of reference.

2. The period in time was from 1973 until 1987. This covers from Beck's original appointment to beyond his resignation in 1986 in that it involved post-resignation issues.

3. It was agreed that the best way I could conduct such an investigation was by studying files and papers from that period. Whilst interviewing key people was not ruled out there were problems about this in view of staff having left and the gap in time between key events and 1990. Whilst I reserved the right to ask to see individuals I did not exercise this right but raised questions with the Department to which I received answers.

4. It is worth mentioning at this stage that the files and papers I have seen are of two sorts. The individual files on children kept by Areas were detailed, well kept and helpful. The files and papers received from County Hall on Beck and the establishments where he worked were not so well maintained with information out of sequence and sometimes difficult to read. This may be relevant to subsequent concerns that I express in that it was not uncommon for an extremely detailed report of an incident to have no written outcome leaving me to conclude that nothing appeared to have happened.

Given that what I have is a tiny sample it would appear that social workers were better at recording details, incidents, discussions and decisions than County Hall managers.

2. There seem to me four different aspects to Mr. Beck's work with Social Services and how the Department responded to him.

- His recruitment and period as Officer-in-Charge at The Poplars.
- His period as Officer-in-Charge at The Beeches.
- His role as a foster parent.
- The Department's response to references sought after he left their employment.

I comment on all of these using the history of issues set out on page 4 of this report.

2. HISTORY OF ISSUES RELATING TO FRANK BECK

- N.B. a. This list only refers to issues that seem relevant to the terms of reference of my enquiry.
- b. This list is drawn from files and papers made available to me. The possibility exists of other papers containing issues.

ISSUES

- 1.9.73 Frank Beck appointed as Officer-in-Charge at The Poplars.
Undertakes extra work as acting Officer-in-Charge at Rosehill whilst retaining his role at The Poplars. This lasts for 3 months.
- May 78 Seeks secondment on two courses for one year further training. Withdraws from this after discussion with County Hall.
- 3.5.78 Letter of appreciation sent to Frank Beck for his work at Rosehill.
- 16.6.78 Letter to Director of Social Services from Frank Beck complaining of lack of support for a staff colleague. Indicates he is going to resign as soon as he can get a job elsewhere.
- 19.6.78 Letter from Director of Social Services asking him to think again. Letter enquires whether he is now withdrawing from seeking the post of Officer-in-Charge at The Beeches.
- 23.6.78 Frank Beck interviewed and then appointed as Officer-in-Charge at The Beeches.
- 1.7.78 Frank Beck takes up his new appointment.
- 6.6.79 Letter from Frank Beck to County Hall regarding an employee he deemed unsatisfactory and who he had encouraged to leave.
- 8.6.79 Internal memo at County Hall Social Services expressing anxiety at Beck's actions on this matter.
- 18.6.79 Letter to Beck from Mr. [REDACTED] advising him not to repeat his action regarding staff.
- 19.5.80 Interview with RCCO by Mr. [REDACTED] regarding alleged incident of violence to 15 year old girl in care. Subsequent interview with Mr. Beck about complaint where Mr. [REDACTED] told Beck that when incidents of malpractice are reported "they must be investigated and not swept under the carpet as would appear to have happened."
- 1.1.82 Complaints to staff at Beeches about treatment of young people. Beck requests approval as foster parent.

- 21.6.82 Complaint to social worker that Beck had homosexual relationship with [REDACTED] who was now subject of prospective foster placement with Beck.
- 14.7.82 Foster parent report for approval indicates allegations of homosexuality but argues "no need to pursue". One referee for Beck quotes rumours of his homosexuality.
- Beck charged with assault on boy in care following complaint by parent.
- July 82 Letters of support for Beck from staff and one child.
- July 82 Correspondence between Director of Social Services and Clerk and Chief Executive regarding Beck's position. It was agreed he would not be suspended pending the court hearing.
- Aug. 82 Investigation into complaint by parent of ill-treatment of child at The Beeches by member of staff. Letter to Beck regarding unacceptable forms of treatment - reply "not entirely accepting criticism of methods used."
- 14.9.82 RCCO at Beeches interviewed by Mr. [REDACTED] regarding allegations of violence against 16 year old boy.
- 24.11.82 Former RCCO at The Beeches interviewed by Mr. [REDACTED] following her complaint that she could no longer work there - violence by Beck and Deputy; Beck's relationship with prospective foster child. Two other people quoted and seen by Mr. [REDACTED] who confirmed substance of RCCO's complaint.
- 22.2.83 Beck in court and found not guilty of assault.
- May 83 Beck approved as foster parent for [REDACTED]
- 15.4.83 [REDACTED] placed with Beck.
- 1.7.83 [REDACTED] placed with Beck on a lodging arrangement by Social Services Department.
- 22.7.83 Memo from another children's home indicating that their staff are hearing stories of ill-treatment from ex-Beck's children.
- 13.4.84 [REDACTED] placed with Beck as lodger for three weeks.
- 22.3.84 Complaint from ex-child in care about acts of violence by Beck and others against him and others. Child interviewed by Mr. [REDACTED]
- 30.5.84 Complaint by off duty policeman about The Beeches - fire in attic. Complaint about "casual" attitude of Beck; "male teenager sitting in man's lap". Police concerned about other issues.
- 9.8.85 Police investigate allegations against Beck by child in care. Investigations recommend no action.

- Aug. 85 Boy charged with GBH against RCCO at The Beeches. Boy claims he was defending another against staff.
- Aug. 85 Police interview child in care over allegations of indecent assault by Beck on two boys - insufficient evidence to proceed.
- 28.11.85 Letter to Director by student on placement at The Beeches regarding acts of violence against children by staff.
- 22.12.85 Beck replies to allegations made.
- 2.3.86 Complaints from staff regarding Beck. Investigation by Mr. [REDACTED]
- 6.3.86 Beck resigns.
- 20.3.86 Complaint of indecent assault to police regarding Beck. No action.
- 6.1.87 Letter from [REDACTED] Agency to Director of Social Services regarding Beck.
- 15.1.87 Reply to above.
- 16.3.87 Letter from Brent Social Services to Director of Social Services regarding Beck.
- 19.3.87 Reply to above.

3. RECRUITMENT AND PERIOD AS OFFICER-IN-CHARGE AT THE POPLARS

1. This covers a period of approximately five years from September 1973 until July 1978.

Beck was appointed on the 1st September 1973. He came to the post of Officer-in-Charge from his professional training with some previous experience. There is nothing to suggest that the appointment of Beck was in any way unusual or flawed - the application, references and DHSS check were all in order.

2. There is very little in the records I have seen about the period at The Poplars. Mr. Beck clearly impressed the Department in that he was asked to take over the running of another home for a time whilst maintaining his original position - an extra task for which he was paid and subsequently thanked in 1978.
3. During June 1978 Mr. Beck had correspondence with the Director over an incident where Beck felt the Department had not adequately supported a colleague residential worker. Beck suggested he was going to resign when he was already an applicant for the vacant post of Officer-in-Charge at The Beeches. He did not carry through his resignation and subsequently he was successful in obtaining the post at The Beeches.

Summary

There is nothing in this first period of any real significance in relation to the terms of reference of my inquiry.

4. APPOINTMENT AND PERIOD IN CHARGE OF THE BEECHES

1. Mr. Beck was seen as the best - and the only valid candidate - for The Beeches. The application form required a reference and this was on file and supportive of him. It was from a senior member of the Department whose only reservation was Beck's "very strong dislike of bureaucracy."

It would appear that Leicestershire's procedures require the interviewing panel to advise the Director of the preferred candidate and this was done and the decision made to appoint. On the evidence available this does not seem an unreasonable decision at the time it was made as Beck appeared to have been successful and seemed to have the skills for his new post.

2. The only recorded incident of significance during 1979 related to Beck writing to County Hall informing them he had virtually told a member of staff to resign and why he had done this.

The arrival of his letter caused some appropriate alarm amongst senior staff and within 10 days a letter went back to Beck advising him how to handle these matters in the future. In my view the Department handled this incident correctly once they were informed of it.

3. The only recorded incident in 1980 relates to an alleged incident of violence at The Beeches. The issue here seems to be that whilst Beck was the officer involved he apparently did not report and sought to cover up the incident. He was advised this was not acceptable.

4. Whilst there are no records of incidents in 1981, 1982 has a whole series of incidents.

- (a) There are records of five different complaints about The Beeches and how children were treated.
- (b) Beck himself was charged with assault - subsequently found not guilty.
- (c) Beck's application to foster brings out an allegation of homosexuality by a parent and a referral to it by one of his referees.

The concerns that I have about 1982 do not relate to the Department investigating complaints because there are records of this. What is surprising are two things:

- (i) The views of the Director and the clerk in considering whether or not to suspend Beck when he was charged with assault of a boy in care. Whilst discussions clearly took place the only written record is a letter from the Clerk to

the Director indicating the "balance" to be struck between "the duty you owe to the children in The Beeches and the obligations the County Council owes to Mr. Beck as a long-serving employee." The view was taken that because of the nature of the assault and because of Beck's commitment and record, it was reasonable to form a view that it was lack of judgement not warranting suspension.

- (ii) After three complaints - in August, September and November - had been investigated there does not seem to have been any action considered or taken against Beck. The allegations by a former member of staff in November 1982 were detailed and confirmed by others.

From the records available to me I cannot ascertain who the investigating officer - [REDACTED] - reported to, what decisions they made and why they made them. On the written evidence at the time it seems to me extraordinary that nothing appears to have happened - the least I would have expected was some form of internal investigation into the running of the establishment.

5. The only recorded incidents in 1983 were that Beck was found not guilty of assault in February and there was a further complaint about The Beeches from another children's home. This latter complaint was acknowledged by Mr. [REDACTED] but does not appear to have been pursued in detail.
6. There are two recorded incidents in 1984 - one from a child in care and one from the police. Both the child and the police were seen but there do not appear to have been actions as a result.
7. In 1985 there are four recorded incidents - two further police investigations regarding allegations against Beck; a letter of complaint by a student and a boy in care claiming he was defending children against the staff - the boy subsequently being charged with GBH.
8. 1986 led to complaints by staff in March which were investigated with Beck subsequently resigning on the 6th March 1986.

Summary

My terms of reference refer to "the actions by the Social Services Department in relation to the conduct of Mr. Frank Beck as an employee - in the light of the information available to the Department at that time."

My understanding of this caveat is that it would not be reasonable or fair to judge the actions of the Department on information which came to light after some time. The focus should be on what was actually known at the time.

The outline of events I have given is taken from records written at the time, thus enabling actions to be considered or not as the case may be.

Two issues of significance arise from this period.

- (a) Between 1st January 1982 and 31st December 1985 there were 12 recorded incidents about The Beeches, Mr. Beck and the staff. I have to add that these 12 do not include a series of "conventional" complaints about noise, cleanliness and arguments with Area Officers and social workers which to some extent happen at some time with most establishments.

I find no reason to be critical of the investigation of these incidents. They appear to have been pursued promptly and in detail.

What is extraordinary is that nothing actually happened other than occasionally Beck was written to. I can only speculate as to why this state of affairs went on for so long without action. For example, it is possible that those in immediate line management "sat on" what they knew; it is possible that they passed on information and concerns and that the inactivity was a conscious decision by their senior managers.

Whatever was the situation between 1982 and 1985 the evidence was overwhelming for "something to be done." My guess would be that the staff of the Department would not be unaware of what was happening at The Beeches and many would be disheartened and cynical that senior management appeared to be unwilling to act. This in turn can lead to a feeling that there is little to be gained by complaining about the treatment of children and young people.

- (b) The second issue of significance centres upon the decision not to suspend Beck when he was charged with assault in the summer of 1982. I find this discussion surprising in two respects.

Firstly, I would have thought it automatic that a member of staff charged with an offence allegedly committed during their employment should be suspended until the court hearing. I can understand there being a doubt about this action if the alleged offence was not committed whilst at work. Equally, I would have thought that suspending Beck was a matter for the Social Services Department and reported to the Clerk and to the Social Services Committee.

Secondly, the correspondence with the Clerk suggests that the Department did not really want to suspend Beck but needed support for that view. The letter from the Clerk says that one has to balance the charge against the long service of an employee with the associated argument that he is unlikely to do it again whilst awaiting trial.

I consider this was the wrong decision. What appears to have not been sufficiently considered is public confidence in an Officer-in-Charge of young people being charged with assault and the practical application of the professional principles of care embodied in Community Homes Regulations and Departmental Policy Guides.

That Beck was subsequently found not guilty is irrelevant. What is at stake is a consistency of approach to employees irrespective of length of service and an awareness of public and professional expectations in practice as well as in theory.

5. FRANK BECK AS A FOSTER PARENT

1. Beck sought approval as a foster parent in the early summer of 1982. He was able to do this through a change in the law allowing single men to foster and his application was in respect of a particular child - [REDACTED]
2. The application was held up by the charge of assault against Beck. The application itself was handled by Northamptonshire Social Services Department and procedurally and professionally the assessment and approval process appears to have been correctly handled. In the course of the application two issues were of concern:-
 - (a) an allegation by the father of [REDACTED] that Beck was homosexual;
 - (b) a comment by a referee that he had heard rumours that Beck was homosexual.

These two issues plus the charge of assault appear to have the Department cautious about approving Beck as a foster parent but once the court case was over he was approved in May 1983 and [REDACTED] then placed with him.

3. Beck was approved for only [REDACTED] Some months later - January 1984 - he wrote to the Director seeking approval to become a general foster parent. In it he described how he had "boarded three children; fostered one and have another child undertaking fourth form education boarded with me also."

Approval was subsequently given in March 1984 for his use as a general foster parent although this already appeared to have become practice. This appeared to be known and accepted by senior staff at County Hall.

4. There is no doubt that there was some ambivalence about approving Beck as a foster parent. These largely centred upon his being single; the suggestions of homosexuality and his being in a pressurised job. If the issues of concern were only these, then on balance I think it was a difficult but reasonable decision to make by those concerned with fieldwork and fostering.

However, someone somewhere should have had regard to other issues. The original application was being processed from the early summer of 1982 until approval in May 1983. During that time there were a series of complaints about The Beeches or Beck handled by those involved in residential care. As I have indicated elsewhere this accumulation of incidents merited some enquiry or investigation but if you add on these incidents to the other concerns about his becoming a foster parent then one has to conclude that what was a risky decision was - in my view - a wrong decision.

This decision then became converted into placing more young people with Beck and his approval as a general foster parent in March 1984. It seems strange - to put it mildly - that whilst the Department was placing children with Beck and considering its approval, it was continuing to investigate complaints from children in care of violence by Beck and others at The Beeches and there was a complaint by the police.

Summary

One almost has the impression here of two "divisions" of the Department not really communicating. Those responsible for fostering and fieldwork had some ambivalence but continued to use Beck as a resource whilst those responsible for residential care were receiving a regular series of complaints from children, staff and police about The Beeches.

What is unclear is whether at the time all this information was reaching senior management. It is clear, for example, that complaints about Beck were reaching senior staff at County Hall responsible for establishments. What I cannot establish is whether this went beyond them to Assistant Director level and above and the decision to approve, use and then widen Beck's approval was made with the knowledge of the complaints being raised about his establishment and himself as an Officer-in-Charge.

What must be true is that those immediately responsible for Beck at County Hall must have known about his fostering application and its approval. I cannot ascertain what they then did. I do believe that they should have passed on what they knew and this - taken with other issues - would almost certainly have led to the foster parent application being refused.

If they did pass the information on and it was considered during the application then the decision to approve Beck as a foster parent was a major error of judgement.

6. RE SOCIAL SERVICES DEPARTMENT'S RESPONSE TO REFERENCE SOUGHT ON FRANK BECK AFTER HE LEFT THEIR EMPLOYMENT.

1. Mr. Beck left the employment of the Department on 5th March 1986 having been suspended.

The records I have seen simply reflect the basic correspondence of resignation.

2. What Beck subsequently did after March 1986 is not known but on 7th January 1987 the Department received a letter from [REDACTED] Social Care seeking a reference for him. A reference was sent on 15th January 1987. The reference made no mention of Beck's suspension but referred to his resignation. It suggested that "Mr. Beck found it easier to sympathise with those residential care officers who adopted his style of operation." It went on to say "undoubtedly the willingness with which he was prepared to commit himself to the interests of young people in a wholehearted manner was acknowledged throughout the Department. Mr. Beck may have explained to you the reasons for his resignation. However, you may wish to discuss these with him as he undoubtedly found the constrictions of the Authority's policy difficult to accommodate himself on occasions."
3. On 16th March 1987 the Department received a letter from the London Borough of Brent. They had clearly employed him on a short term contract and subsequent checking of him via DHSS led that body to refer Brent back to Leicestershire as "they claim to be undertaking a detailed enquiry into his suitability." Brent sought clarity as to the reasons for all this.

The response from Leicestershire was to supply a copy of the reference given to [REDACTED] plus a covering letter. The covering letter referred to Beck's resignation "following difficulties which arose in relationships with staff leading to a loss of confidence on both sides."

4. I find these events extraordinary given that is what is recorded. What I mean by this is that it is possible that telephone conversations took place with both [REDACTED] and Brent where a fuller picture was given. Even if this was the case I cannot understand why - 12 months after the event - the Department did not indicate that Beck had been suspended, why he had been and that investigations were underway by the police.

What effectively the Department was doing was creating circumstances where Beck could argue he had resigned because of staff difficulties and therefore seek employment elsewhere. The references collude with this view and make no reference to either police investigations (assuming they were being undertaken in 1987) or checking with the Leicestershire Social Services about his departure. Prospective employees were in fact invited to discuss with Beck why he left.

Summary

It is my view that Leicestershire made serious errors of judgement in relation to events after Beck departed. They were clearly correct in suspending him. His resignation may have been a relief. Given the nature of the suspension leading to resignation I do think they should have advised the DHSS of what they believed and they should have been more honest and candid in the references subsequently sought by prospective employers.

7. GENERAL CONCLUSIONS

My conclusions relate to my Terms of Reference.

The first issue relates to the actions taken by the Social Services Department in relation to the conduct of Mr. Frank Beck as an employee. I was required to consider this "in the light of the information available to the Department at that time."

My enquiries have covered a variety of records over a period of years and to the best of my knowledge I have been looking at information that was available at the time in question.

What seems quite clear to me are four things.

- (a) I can find no fault with the recruitment and subsequent promotion of Frank Beck. I think the actions of the Department were reasonable given the circumstances. Put another way, there was no reason why he should not have been appointed as Officer-in-Charge of The Beeches.
- (b) The Department should not have approved Beck as a foster parent. This conclusion is not drawn with the benefit of hindsight, neither is it drawn because Beck is single. I draw the conclusion from the actual evidence available in the Department at the time of his application and approval. Whilst one part of the Department was investigating a series of complaints about him and his establishment, another part of the Department was agreeing to extend his role in caring for children.
- (c) The information available to the Department in 1982, 1983 and 1984 should have led to some form of internal enquiry into the running of The Beeches or its closure pending some enquiry.
- (d) The Department's references for Beck and general approach to enquiries were quite unacceptable. One has to bear in mind these were considered written judgements some 12 months after he left.

The second issue in my Terms of Reference relates to the management processes in place at that time and whether they can be improved.

I consider that the management processes that were relevant covered the following issues:

- recruitment, selection and appointment
- provision of policy and guidance about professional practice
- processes for dealing with client/staff complaints
- proper handling of foster parent applications from employees
- awareness of Community Homes Regulations.

All the evidence I have seen and read about the period in question leads me to the conclusion that in terms of setting out procedures, practices and processes, Leicestershire's approach and performance was as reasonable as one could expect. I do not find any great cause for criticism and any specific need for improvement related to this case. I accept that improvements will have been made in the context of the general development of child care law and practice.

What seems to me extraordinary about the evidence I have seen is that no-one actually did anything about Frank Beck until 1986. It is clear to me that evidence for doing "something" existed as early as 1982 and mounted in the next four years. All the indications are that the management processes were "successful" in identifying issues and concerns and these being recorded by senior staff.

There are hints in the records of some despair amongst these staff - "another complaint about Beck. I suppose nothing will happen again" - which rather suggests to me that the Director and his senior managers were unwilling or unable to act on the evidence they had presented to them.

There are suggestions that Beck was a powerful, thorny character which probably made him difficult to deal with. This should clearly not have prevented the Department dealing with him managerially earlier than they did.

What I consider sums up managerial attitude towards Beck is the reference given on him nearly 12 months after he left. Whilst it was true that police investigations of alleged offences were continuing, I find it unbelievable that another employer should not be advised that Beck had been suspended before he resigned and that "he doesn't always get on with staff" was all that was said when one considers the detailed evidence leading to his suspension.

I am not required to make recommendations but only whether "management processes can be improved.". In my opinion the key issue in this enquiry has been management practice - why decisions were not made earlier than they were and why the Social Services Department failed to provide other employers with accurate information when asked.

I consider it almost certain that the management processes provided managers with the information they needed and the faults lay in the decisions taken. Nowhere is this better summed up than the references given to other employers on Frank Beck.

There is, however, one aspect of the management processes that does require attention on the evidence of this inquiry. There is a distinct contrast between the processes of fieldwork decisions and those at County Hall. What I mean by this is that fieldwork records show that problems were explored, key issues identified and key decisions recorded. One can read who made what decision and why they made it.

With County Hall records one can read the reports which describe the problem, e.g. allegation of ill-treatment. There is then a dearth of information about what the key issues are and what decisions were made and who made them. One can speculate that discussions took place and verbal decisions were made but there appear to be no records of this.

I have been critical of senior managers for the decisions made or not made. Apart from the references given to Beck there are no other records of management's view about the incidents he was involved in and which were recorded.

I would have thought that in view of the complexity of procedures involving staff discipline, it was essential that there be better recording of actions taken or not taken by senior staff. This process is a necessary administrative procedure allied to good management in dealing with complaints about employees.

One final issue relates to pressure. It has often been argued that when mistakes are made in Social Services Departments that those making the mistakes were under pressure due to workload, inexperience, shortages of staff and so on. I think it likely that the Department's managers were under pressure throughout this period in time as would be the case in other Social Services Departments.

Despite this I cannot argue that the mistakes made were related to pressure. An isolated incident may have gone unnoticed but what we had was a whole series of incidents which were not acted upon. My view about this is reinforced by the considered references given on Beck after he left the Department.

M.B. Newell

CONFIDENTIAL

REPORT BY M.B. NEWELL FOR LEICESTERSHIRE SOCIAL SERVICES DEPARTMENT

Terms of Reference

"To investigate the work of Leicestershire Social Services Department between 1973 and 1986 in respect of F. Beck and other members of staff who are alleged to have committed offences concerning children in care. To produce a report with recommendations as to how the Department's work can be improved to avoid the possibility of similar difficulties arising in future."

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Introduction

1.

1. This is a second report. The first report was submitted to Leicestershire in October 1990. After a meeting between myself, the Director of Social Services, the Deputy Director of Social Services and a Social Work Service representative, I was asked to undertake further work.

2. The first report had slightly different terms of reference. More significantly, it was largely an examination of policies, papers and procedures during 1973-1986 as they related to Beck. It was agreed the first report would not embrace interviewing people.

What the first report suggested was that the procedures and policies of the Department appeared to be as reasonable as one could have expected during 1973-1986 in relation to Beck. What were subjects of concern were:-

- (a) the decision to approve Beck as a foster parent;
- (b) the references given for Beck after his suspension and resignation;
- (c) the failure to pursue either disciplinary action against Beck or institute an inquiry into the running of The Beeches given the evidence available, particularly during a three year period from 1982-1985.

3. What effectively the first report was inferring was that "staff" at County Hall were sufficiently aware of Beck's "offences" to have instituted some actions with regard to him and/or The Beeches and that their actual action of approving him as a foster parent and giving him references were wrong.

4. I was asked to pursue these issues further. Given the nature of the first report, I saw no need to seek further evidence of Beck's offences. I made this decision because - in my view - the weight of evidence in the first report was sufficient. What was of more importance were five things.

- (a) What did Beck's managers do with the information they obtained about him during his period at The Beeches?
- (b) Why was no action apparently taken?
- (c) Why was he approved as a foster parent?
- (d) Why did he obtain reasonable references in 1987?
- (e) Why did the Department not notify the DHSS of his resignation?

5. This agenda required me to interview a number of key people who were at County Hall in a managerial role during the years in question. These people break down into two groups.
- (a) Those with immediate line management responsibility for Beck or likely to have been involved in investigating complaints against him.
 - (b) Those above this level who functioned at Assistant Director, Deputy Director or Director level and therefore held ultimate responsibility.

6. I considered eight people fell into category (a) and (b). In effect, three fell into (a) and five into (b). All eight people agreed to see me and I am grateful for their assistance and co-operation. I did not tape record our interviews but took notes.

The interviews took place during November 1990. One has to bear in mind that the key incidents (in my view) took place between 1982 and 1987 so that the people I saw were largely using their memory of events rather than referring to written records at their disposal. One has also to bear in mind that growing awareness of the extent of Beck's "offences", that there was an inquiry and the personal experiences and feelings of the individuals concerned may all combine to affect memories and the interpretation of events that took place some years ago. Having said this the relatively informal nature of this inquiry may have enabled a more useful picture to be built up as to what actually happened regarding the key issues highlighted earlier.

2. Relevant general information

1. Structural issues

- (a) During the period in question, the Department's structure remained basically the same although there were some adjustments and changes of personnel.

All community homes for children were managed by a division at County Hall called Care Branch. This division managed all residential establishments so their responsibilities extended to the elderly and the handicapped. They were also responsible for the management of all day care establishments, community accommodation projects and the development of registration and inspection of all private and voluntary homes.

Within the Care Branch Division there was an Assistant Director with overall responsibility for the Division. He was accountable to the Director. His immediate team consisted of a Principal Officer who was his deputy who, in turn, was responsible for two senior officers responsible for all residential establishments. These two officers worked geographically, i.e. they split the county between them and they had support staff working for them.

It is reasonably clear from the papers that I have read, all four of these managers were involved from time to time with The Beeches and with Beck. Whilst Beck fell within the geographic area of one senior officer and was therefore technically responsible to him, the other senior officer was involved from time to time as was the Principal Officer.

There is nothing particularly surprising in these arrangements in that holidays, illness, pressure and the level of any given issue may, on occasions, require different people to be involved over a period of time.

- (b) A second Division at County Hall was responsible for what were fieldwork and domiciliary service issues. These were largely discharged through Area offices with an interface between this division and Care Branch when Area Officers sought placements in residential establishments.

It was this Division which handled Beck's application to become a foster parent because fostering was part of their responsibility.

This organisational split between fieldwork and residential work was not uncommon in the 70s and early 80s. It contained some tensions and difficulties in theory and Leicestershire was not alone in discovering them in practice. However, it is not my view that problems with Beck were caused by structural difficulties in the Department although the structure was not helpful when a residential worker in one branch sought to become a foster parent in another branch.

- (c) There were other Divisions at County Hall with specific functions outside the scope of this inquiry. The exception relates to the function of Personnel.

My understanding is that until 1980 there had been an Assistant Director responsible for Personnel. His retirement created some debate as to whether such a post was actually necessary and the new Director resolved this by asking the Senior Assistant Director - who already had other responsibilities - to take on board Personnel.

Whilst he did this, he - and other colleagues - were aware that those managing client services, i.e. Care Branch and fieldwork, felt that as they were accountable for these services that accountability included personnel issues. There was therefore some tension - the most obvious example being that the Senior Assistant Director responsible for Personnel was only involved with Beck at his suspension and on one other occasion three months previously involving the slapping of a child.

2. Child Care Issues

The early eighties were a time of considerable upheaval and change in child care services in Leicestershire. The members had a strategy and policies with an expectation that the officers would carry this through - in particular the closure of a number of residential establishments and the development of alternatives to residential care.

I am not particularly criticising either this strategy or specific closures. Its consequences were to some extent predictable for the residential child care sector in that morale suffered and staff turnover increased.

What is of more relevance is that with the disappearance of some establishments, The Beeches assumed greater significance in terms of residential provision. Beck had already established a reputation for taking difficult children and as the Department's options in this respect declined, Beck's willingness to offer places became more and more important and more and more useful to a hard-pressed Department.

It is worth noting at this point that Beck was apparently not a passive observer of the political strategy that led to closures. I am told he used his political connections with County Councillors to influence strategic thinking regarding residential care of children. It has been suggested to me that he was influential in the decisions to close the Community Home for Education in that he argued there were alternatives and better methods of caring for children in residential establishments such as The Beeches.

3. Pressure of work

A number of people have referred to the pressure of work during the early eighties. The main causes of this pressure seem to have been too much work for too few staff at managerial level. It has been argued, for example, that desirable County Hall management involvement with residential establishments was not possible and that much time was consumed on crises and for "fire fighting".

It has also been suggested that senior managers were so busy that there was no time to keep adequate records regarding decisions.

I would not dispute these views from my knowledge of social services management. I do not see them as excuses made by managers but a relevant general description of difficulties that they faced between undertaking work and undertaking it in an effective and efficient manner. I have no means of knowing whether the pressures in Leicestershire were greater than elsewhere but I acknowledge they existed and were real.

3. What Did Beck's managers do with the information they obtained about him during his period at The Beeches?

1. In my first report I studied papers and procedures made available to me. Within the papers I identified 13 separate serious complaints or incidents regarding Beck or The Beeches between 1980 and 1985. I did not catalogue less serious complaints, e.g. noise, cleanliness. It is important to note that these serious complaints were known to the senior staff as it is possible that other things were taking place of which the senior staff had no knowledge.
2. It is not surprising that there are complaints about community homes for children, given the nature of the children in care. It is surprising - at least to me - that there should be 13 recorded serious complaints in five years about one establishment.

The complaints were dealt with in two ways.

- (a) By referral to the police where the complaint was such that there was a possibility an offence had been committed.
 - (b) By investigation via senior officers of the Department.
3. It is clear that all 13 incidents were investigated. Those pursued by the police either advised the Department that no action was to be taken or that there was insufficient evidence to proceed. One investigation led to Beck being charged with assault in 1982 and subsequently being found not guilty.

It seems clear from talking to the senior officers of the Department that having referred complaints to the police they were then bound by the police decision.

With regard to complaints investigated by senior officers of the Department these are recorded on file. They are detailed and factual. They offer no opinions as to what should happen because the investigating officers were asked not to give personal views.

4. In my first report I expressed concern that I could find no written records of what then happened to the investigating officer's report. None of the senior officers I have now seen were able to identify records or files where such information might be found. What is clear is that following an investigation the report would be discussed by combinations of people and a decision reached. Those combinations were made up of the investigating officer, the Assistant Director responsible for residential care, the Director and representatives from the County Council's Legal Section and Personnel Section. The combination was not always the same in that "less serious" complaints would not involve the Director.

5. The outcome of these meetings was not apparently recorded. The senior officers of the Department who remember being present are agreed that on no occasion was there felt to be sufficient evidence to justify invoking the County Council's disciplinary procedures against Beck.

When the police investigations of the "more serious" complaints were complete and the Department advised of the police decision, the senior officers of the Department took the view that the matter was then closed.

6. The absence of departmental records of these meetings and decisions makes it difficult to have an informed view about the judgements that were made at the time. I have to say I find the decisions surprising having read the Department's investigative reports.

7. What is equally surprising is the subsequent inaction. What I mean by this is that there were at least 13 occasions where a decision was taken not to prosecute or invoke procedures within the Department. Following these decisions it was not felt appropriate to then see Beck - for example to advise or warn him about his conduct. The view of one senior manager was that if you could not prove anything you could not discuss the subject with Beck.

We then have to bear in mind that this situation and inaction appears to have been repeated 13 times in five years - 10 times in three years.

8. The most common complaint or observation by senior managers of the Department was that they never had sufficient evidence to act against Beck.

The absence of records makes it difficult to challenge this view although I remain sceptical. What cannot be defended is the absence of any action at all. One may not be able to discipline Beck but the aggregation of incidents over a five year period should have led to more than mere concern and unease. Senior managers were meeting regularly to consider yet another complaint against Beck and I consider they had at least three options.

- (a) To issue a verbal warning as set out in the disciplinary procedures.
- (b) To increase the managerial supervision of Beck and The Beeches and as part of this to state or restate expectations of the establishment and its staff.
- (c) To institute an inquiry into the functioning of the establishment on the basis of the aggregation of complaints over a period of years.

The Leicestershire County Council Grievance, Disciplinary and Appeals Procedure is attached as Appendix 1.

4. Why was no action apparently taken?

1. When you put this question to the senior officers of the Department you receive much the same answer - that is to say there was never enough evidence to pursue disciplinary procedures against him.

The absence of records and notes of meetings that reached these decisions makes it difficult to question these judgements given they were made by experienced officers of the Department with legal and personnel advice from other County Council staff.

2. A number of senior officers have described to me what one might call the general climate and background at the time which - in my opinion - played some part in affecting the decisions made.

3. The Director recalls an early experience when an employee had been dismissed for theft from a client. This decision to dismiss had to be justified before a Committee of Members and he was surprised at the hostility towards him and his decision and the length of time he had to take to have his decision endorsed. What may have been a process designed to ensure fair play for staff seems to have an indelible impression upon the Director that if Members would be hostile in even cases that appeared to him clear cut then anything short of this would be poorly received. I am told this happened on several other occasions.

4. A second factor was the "value" of The Beeches and Beck to the functioning of the Department. Given the reduction in residential places, the Department had few residential establishments able to cope with extremely difficult young people. Beck's willingness to virtually take any young person appears to have almost made him indispensable on a day to day basis when a crisis may occur and a young person needed a placement. Thus, any action which either took Beck or The Beeches out of commission would clearly have added to the Department's problems and particularly those of the Care Branch needing to provide residential placements.

5. A third factor is linked to this. Because of Beck's willingness to take extremely difficult young people, it is clear that the Department seemed prepared to licence him to "break the rules". What I mean by this is that the Department's policy regarding care and control of children and young people was re-interpreted when applied to Beck and The Beeches. The argument put to me was that if we were going to give him young people who were extremely difficult then we had - on occasions - to allow him some freedom in how he dealt with them when they caused trouble.

This general situation was made even more difficult by Beck's acquittal of the assault charge. I am told that not only did Beck receive strong support from his staff prior to the hearing but that subsequently he used his acquittal to justify the need to resort to methods which the Department could not accept. This in turn led to a view that if the Courts had found him not guilty what chance had the Department of providing a case against him before Members likely to be sympathetic to his problems of caring for difficult young people.

6. A fourth factor is Beck's relationship with County Councillors. Beck was a member of a political party and a District Councillor. His relationships with County Councillors enabled him - without the Director's consent or knowledge - to become an adviser to key politicians on child care issues. I have not been able to trace the extent of this involvement but its potential effect upon the Director - at least - was clearly significant. A visit to The Beeches with a senior County Councillor to reprimand Beck about the cleanliness of the home developed into an attack on the Director regarding money available. This in itself was a minor incident but coupled with other knowledge and rumour clearly persuaded the Director that Beck had friends in high places.
7. A fifth factor relates to Beck himself. Whilst not universally popular, he had over time created an unusual approach to the care of children and young people. This involved the use of "regression therapy" which meant taking children and young people back to their earlier years and then building them from there. The process involved a great deal of physical touching and affection.

These methods were always perceived as risky for the staff concerned and early on Beck was given advice as to how to minimise these risks. When appointed at The Beeches he was advised to modify these approaches although there was clear evidence that he continued to use them.

The outcome of Beck's approach and methods were that, coupled with his willingness to take extremely difficult children, he established a "good" reputation amongst many observers. He was able to attract a support team of visiting psychiatrists and psychologists and by his force of personality, charisma and hard work attract the loyalty of staff.

His dislike of bureaucracy - County Hall in particular - and his general unconcern for issues of order and cleanliness were well known. The Beeches "hummed" around him and staff were required to work on after time should the young people need them.

Whilst it is true that some people were uneasy about him and his approach, he seems to have attracted more support and sympathy than criticism and concern. He was quick to respond to criticism by pointing out the resource problems affecting The Beeches and to give the impression of a concerned, skilful child care practitioner operating in a set of difficult circumstances with difficult young people. I am told that some people still believe that this is the case today despite the charges made against him.

5. Why was Beck approved as a foster parent?

1. My enquiries revealed no real answer to this question. What I could discover was the work done on Beck's application by the Northamptonshire Social Services Department who were asked to handle this because Beck was a senior employee.

In my first report I expressed concern that given initial unease about the application, i.e. single man, residential worker plus some concerns in the report and references, one was surprised at his approval. This surprise becomes more puzzling given the Care Branch problems with Beck in 1982 and 1983.

2. Those involved with the management of Care Branch at that time have no recollection of having been consulted by their colleagues in Fieldwork Branch regarding their views on Beck's application to foster. It was Fieldwork Branch who were responsible for handling the foster parent application. Their manager, i.e. Assistant Director, does not recall personally consulting Care Branch but believed that his support staff must have done so.
3. There are no records available on this point. There are no records available to indicate who actually approved Beck in that whilst this was usually an officer decision, the Department did, on occasions, take such decisions to a Members Subcommittee where the officers felt the issue was controversial. There are records of Beck's subsequent approval by Committee as a general foster parent but no records of his initial approval for a particular young person.
4. Whilst the absence of records is unhelpful, in my view it is incidental in that Beck should have been told he was not going to be approved as a foster parent. The basis for this decision was all that was known about him by the Department in 1982 and 1983. It does not really matter whether the decision was made by officers or members to approve Beck - he should have been firmly turned down either by the Assistant Director Fieldwork or the Director.

I can find no satisfactory reason to explain why this decision was not taken.

6. Why did Beck obtain reasonable references in 1987?

1. In my first report I expressed concern at two references given for Beck in early 1987 - some 12 months after he had been suspended and resigned.

During my interviews with senior officers of the Department it became clear that the Senior Assistant Director responsible for the Personnel function had been queried - presumably during the police investigation - on two issues:

- (a) why was Beck allowed to resign?
- (b) was a deal done with regard to references?

2. With regard to (a) the issue was why was he not dismissed? I quote from the Senior Assistant Director "Under the County Council's disciplinary procedures, summary dismissal was not an option. Effectively, the Director had to choose between accepting Beck's resignation or continuing his suspension pending a meeting of the Disciplinary Subcommittee. A number of factors affecting this choice were considered by the Director, Chief Executive and senior members. These included the fact that the police were investigating allegations of abuse, the disciplinary process would probably take some time, The Beeches staff were divided for and against Beck and resignation offered a swift solution to the Department's problems given the police were pursuing possible offences."

I accept this action as being reasonable given all the circumstances.

3. With regard to (b), Beck was advised by the Senior Assistant Director "that there was no prospect of his ever being employed in social work again. If his resignation was accepted (which it was) the Director may be able to help with a reference in respect of a post outside of social work." I understand that a reference was subsequently given for a post with a security organisation - although I can find no record of this on Beck's file.
4. What is on record are two references given for Beck in 1987 to two social work agencies. I attach these as Appendices to this report.
5. The Director accepts that he wrote the references. He cannot offer an explanation of the way the references were written. His view was that subsequent to Beck's departure, he was aware of some concerns that Beck had been harshly treated by the Department and that 12 months after the event he may have mellowed in his views about him. With hindsight the Director accepts that the references should not have been written in the way they were.

By 1987 some - but not all - of the senior officers I have seen had retired. All the senior officers within the Management Group were aware - or had been made aware - of the references and were both astonished and unable to explain why such references had been written.

What effectively was happening was that having indicated that he would never work in social work again, the Department had - 12 months later - supported his applications.

Correspondence relating to references for Beck is attached as Appendix 2.

7. Why were the DHSS not notified of Beck's resignation?

Beck's departure from the Department in March 1986 was by resignation. He had been suspended and told he would not work in social work again.

For this to be effective, Leicestershire would have had to notify the DHSS of the nature of Beck's dismissal and provide references for prospective employers recommending non-employment. There were, therefore, two actions that needed to be taken.

With regard to the DHSS, I am told the Department considered this action but decided not to proceed. They took the view that "it would be wrong to pre-judge the outcome of police enquiries regarding alleged abuse of children. The Department had first-hand evidence of his abuse of staff when conducting professional supervision. On that account we could amply justify both withholding references and the advice given to him earlier to the effect that his career in social work was finished.

By contrast, the evidence in respect of children was second or third hand. Previous allegations of a similar kind had come to nothing after investigation by the police. Advising the DHSS Consultancy Service in the terms of their circular would have been seen by Mr. Beck as accepting the allegations in respect of children (which he had vigorously denied) regardless of the outcome of police enquiries.

At that time there was considerable concern that Mr. Beck might have second thoughts about his resignation. The prospect of his starting proceedings for constructive dismissal was very much in mind. It was seen as important to avoid any possibility of his being able to allege managerial harassment. Any premature notification to the DHSS could have been used by him to support a reference to the Industrial Tribunal. Accordingly, it was decided to await the outcome of police enquiries.

In taking this course, there was thought to be no risk to children. There was no real prospect of anyone with his seniority and experience getting similar work unless he could produce a reference in respect of his last employment."

As we know, this was an over-optimistic assumption on two counts.

- (a) It has proved possible for Beck - and indeed others - to either mislead prospective employers or benefit from proper checks not being carried out on their suitability.
- (b) Beck did obtain a suitable reference when this was sought.

What Leicestershire did in March 1986 was to interpret the DHSS consultancy rules in a certain way. The rule they were interpreting was:

"Local Authorities and voluntary organisations tell the DHSS when a member of their staff is dismissed or resigns in circumstances which might suggest that children would be put at risk if the person were again appointed to a position involving responsibility for children's welfare. There need not be police proceedings for such reports to be made."

I think their interpretation was more influenced by Beck's history and relationships within the County Council than anything else. In my view, the allegations that led to his dismissal would lead one to the view that "children were at risk."

However, even if one accepts the Leicestershire decision as reasonable at the time it was made, it does not explain subsequent references on his behalf and it does not explain why apparently no-one was told, e.g. DHSS, of the consequences of police enquiries after March 1986.

My reason for this view is any decision in March 1986 ought to have been changed by the letter from the London Borough of Brent on 16th March 1987. They referred to "the Department as per normal procedure contacted the DHSS for check to be made as to his suitability for working with children and young persons. They have referred us to you as they claim to be undertaking a detailed inquiry into his suitability. As he is currently employed on a short-term contract I would appreciate clarity as to the reasons for DHSS investigations in order that I may deal with the matter appropriately."

Leicestershire's response was to send a copy of a previous reference with a covering letter which did not refer at all to the DHSS queries.

In my opinion, most managers faced with the letter from Brent would have realised that they had made a mistake in not telling the DHSS.

That the DHSS were not notified had extremely unfortunate consequences. It enabled Beck to obtain employment in at least two Social Services Departments - particularly with the references from Leicestershire. I have not pursued his post-Leicestershire career in detail but he worked for Brent and then Hertfordshire. I quote from a letter from the Director of Hertfordshire to the Director of Leicestershire dated 14th November 1990.

"It is also a matter of concern to me that the reference that was given to Brent apparently spoke extremely well of him and it was on the basis of that reference and the limited experience that he had in Brent that we appointed him in Hertfordshire.

Once the allegations came to light we joined forces with the local police and did a joint investigation on the whole of Frank Beck's caseload during the period he had been employed by us. We did not identify any indication of either unprofessional conduct or criminal behaviour with young people. We did, however, identify serious unprofessional conduct in relation to some adult males and as a result of that, Frank Beck was disciplined by the Authority and he was dismissed from his post."

In effect, whether Leicestershire should have notified the DHSS in March 1986 was considered by them. Whether their decision was right or wrong at the time, they should have subsequently notified the DHSS.

8. General conclusions and recommendations

In considering all the written and verbal information I have gathered, I have had regard to my Terms of Reference and in particular what can be done to avoid the possibility of similar difficulties arising in the future.

I do consider that there are steps the Department can take to avoid the possibility of similar difficulties and I will make recommendations to this effect.

I also consider that the Beck situation was affected to a considerable degree by managerial attitudes and approaches. It is necessary to offer conclusions on this as part of trying to understand what happened and why it happened.

What follows is therefore in two parts.

- A. Conclusions and recommendations for improvement.
- B. Conclusions regarding management.

A. Conclusions and recommendations for improvement

I set out below my general conclusions and recommendations. They are not in order of priority or importance.

1. My enquiries have been assisted by a variety of opinions but hampered by an absence of recorded information and the way in which recorded information is retained.

Whilst I have only seen a tiny example of the Department's record keeping - and it may therefore not be characteristic - there are issues of concern.

(a) The headquarters papers on Beck were incorrectly filed and deficient. A list of key events regarding Beck could not be supplemented by written documents because they could not be found. There were several files on Beck, some of which contained information which should have been on his personal file.

(b) Whilst the area files I saw on individual children were helpful, I was struck by their comprehensive approach compared to headquarters. The area files were detailed both in their record of events but also records of decisions and actions and the reasons for such decisions and actions. By contrast, there are no available records regarding decisions made at headquarters either by individuals or meetings.

This contrast may not be the norm but given the emphasis in many enquiries as to social work decisions and actions it would appear Leicestershire need to apply the same approach to headquarters decisions and actions - certainly in the area of Personnel and particularly where no action is proposed.

This is not merely an issue of administrative tidyness. The area of personnel decision making is both complex and crucial and the absence of proper record keeping can put the Department, its employees and its clients at some risk.

I therefore recommend that the Director review the administrative process of record keeping with regard to personnel issues affecting staff.

2. With regard to personnel advice the Department followed County Council procedure regarding disciplinary action. This meant they had the benefit of external legal and personnel advice.

Recorded information on advice given is sparse. In one instance, in particular, informal discussion without subsequent written confirmation has given rise to uncertainty in the mind of one senior manager as to what advice was in fact received.

I recommend that the Director review with the Chief Executive the need for written confirmation both of advice on personnel issues and any conclusions on agreed courses of action.

Internally there was some tension between Assistant Directors managing staff and the Senior Assistant Director with responsibility for personnel issues. The effect of this was that the Senior Assistant Director only became involved with Beck fairly late in the day and there is a suggestion that this was because those complaining of Beck felt he was actually likely to do something.

I am not saying that if the Senior Assistant Director responsible for Personnel had been involved earlier then action would have happened. The Department was receiving legal and personnel advice from outside.

What I think is a real possibility is that if those in the Department considering whether or not to invoke disciplinary procedures are in fact only those in line management positions, then there is some potential for a clash of interests. Such managers will know the persons concerned; they will dwell on the implications for them, the establishment and the service of disciplinary action; they will be aware of the stresses and strains that person is under.

This could well lead to them, on occasions, being not wholly objective. It is likely that the Department's representatives would have to persuade external advisers from legal and personnel section that action was needed rather than the reverse.

In the circumstances I consider it desirable that a Personnel specialist within the Department but not involved with the work of the client divisions should be involved in the decision making regarding disciplinary action.

The important issues here are that the person concerned should not be swayed by knowledge of the service and the consequences and should have more expertise on the understanding and interpretation of disciplinary procedures than other Departmental managers. I consider they should be consulted on all complaints about staff where disciplinary procedures might be invoked and that if they disagree with a proposed course of action they should have the right to appeal to the Director.

It is likely that both the Social Services Department and the County Council have altered their organisation of personnel services in the last three years. Notwithstanding this:-

I recommend the Director review the internal arrangements for dealing with complaints regarding staff and consider the role of a senior officer who is both expert and independent of client services with the right of appeal to the Director if they are unhappy with decisions regarding complaints against staff.

3. One of my major concerns in this enquiry relates to what I would call the aggregation of complaints.

Over a period of five years - and particularly during three - there were 13 complaints known to the senior managers of the Department. None of these complaints led to action either because the police did not feel able to act and senior officers did not feel able to act. It is not possible to assess whether these decisions were reasonable because of the absence of records but the commonly held view is that there was not sufficient evidence to invoke disciplinary procedures.

When I interviewed some senior officers it was clearly a surprise to them to be told that there were so many incidents over a relatively short period of time. They conceded that looked at in this way there was cause for concern and "something should have been done."

Given the condition of the records I saw it is not entirely surprising that this aggregation of complaints was not administratively clear but those involved in regular discussions regarding complaints about Beck could reasonably have been expected to put all the information together rather than simply treat each complaint in isolation.

I consider the Department could take steps to eliminate this possibility from re-occurring. It is within my experience that Social Services Departments can take steps to monitor and record for example the levels of sickness in residential establishments and it seems equally possible to do the same for complaints. Given this happens it is a relatively easy matter for managers to study this information at six monthly intervals and over time thus enabling them to identify where further questions should be asked.

This in itself does not eliminate complaints. What it does do is ensure that an aggregation over time does not go unnoticed.

I recommend that the Director introduce a procedure and process which enables either he or his colleagues to be aware of numbers and trends of complaints, particularly in residential establishments.

4. One of the more unusual aspects of Beck's career in the Department was his ability to create a situation where he became - or appears to have become - virtually unmanageable.

He seems to have been able to do this for four reasons.

- (a) Establishing a professional reputation coupled with a willingness to take any child however difficult.
- (b) A personality which was aggressive, charismatic, anti-authority.
- (c) The establishment of "friends in high places."
- (d) The willingness of managers for one reason or another to accept what he did and what he said.

One senses that Beck was aware that management was weak and that he was almost untouchable - he seems to have successfully exploited this until 1986.

I am not unfamiliar with senior residential care workers assuming - often based on salary comparisons - that they are somehow not subject to management in real terms by staff who are earning less than they are. This rather exaggerated sense of importance can be reinforced by members of committees who see such people as somehow of extra importance given the difficult children that they care for.

I think the only way to deal with this situation is to clarify managerial responsibilities for all concerned. For example, this may require the Director to ensure that whilst a particular manager may indeed be on a lower salary than the person she/he is managing, they are acting with delegated authority from above and that recourse to this higher authority is available should either party seek it.

Whilst it may be tempting to assume Beck was a one-off in terms of being unmanageable, I would not be so confident. I do not think that the Director needs to review the whole management of the Department. What I recommend is he consider with his senior managerial colleagues whether there are any current circumstances where the management of any individual other manager is a problem. By problem I mean that the line of managerial accountability is either unclear or unacceptable to those involved.

5. It is not uncommon for staff employed by the Social Services Department to apply to be foster parents. It is then a matter of judgement as to whether all such applications are investigated by another Social Services Department or some discretion is exercised depending upon the position of the applicant within the Department.

I consider Leicestershire were correct in asking Northamptonshire to pursue Beck's application given his position. I do not think one should lay down absolute rules about who should or should not be pursued by the Department. I think that the more senior the applicant is in the Department the more likely it is that one should have the application pursued by another Department.

That Beck was actually approved as a foster parent was extraordinary. I have no criticism of the work done by Northamptonshire on behalf of Leicestershire. When Leicestershire received the report they already knew Beck occupied a pressurised position and he was single - the report then refers twice to allegations or rumours of homosexuality. This would - in my view - make most decision makers at least uneasy about approving the application.

It seems common sense - to me - that before reaching a final view on an application with these doubts one would consult Beck's managers. There are no records that this happened and managers interviewed have different recollections, i.e. one cannot recall

being consulted; another believes consultations must have taken place. Either way, the information about Beck as a residential worker would have been known to those making the decision to approve as a foster parent and - taken with other information - should have led to the application being rejected.

I think what the Department can learn from this is fairly self-evident, namely that whatever the organisation of the Department one should gather together what is known or felt by all managers of those applying to become foster parents. This is all the more necessary given a natural assumption that those employed by Social Services are likely to be seen as "better" candidates for fostering than the average applicant.

I therefore recommend that the Director review the present procedures for approving foster parents and - if necessary - build in appropriate safeguards for applications from existing employees of the Department.

6. I cannot understand why the Leicestershire Social Services Department did not notify the DHSS of Beck's resignation. I believe they could have done this in March 1986 and certainly should have done so after this time.

Given that the Department wishes to learn lessons from this I recommend that the Director, his senior managers and all those involved with the disciplining of staff are made aware of the procedure for notifying the DHSS and that any Departmental procedures and documents on disciplinary procedure incorporate the procedure for notifying DHSS.

7. There are a number of problems about the practice of management in Social Services - and probably in Local Government as a whole.

I emphasise practice because the theory is superficially sound. Managers receive job descriptions which describe their duties and mention accountability. Thus a Director will be accountable for the work of a Department and an Assistant Director will be accountable for a service area or division of work.

In practice, accountability is more complex. If you did not know someone was doing wrong are you still accountable? These - and other issues - are not usually subject to theoretical analysis but do tend to come up when something has actually gone wrong.

It is not my role or intention to argue a theory and practice of management nor to tell Leicestershire how to do it. What I seek to do is to establish whether managers in the 80s in the Social Services Department had a reasonable defence of what they did or did not do.

It cannot be argued - for example - that they did not know about Beck and the complaints against him. The two key accountable managers - the Director and Assistant Director of Care Branch were

clearly aware of the number of complaints. Their argument is that the evidence in any one case was insufficient to act. The Assistant Director in particular should - in my view - have realised that the aggregation of incidents merited some action and argued that action to the Director.

The Director and his Assistant Director for fieldwork were accountable for foster parents. Conventionally they have to rely upon the judgement and advice of others whether to support foster parent applications. With Beck it was different in that over and above the social work investigation they knew the man and they supported his approach.

The Director is accountable for references given on staff. Ninety nine per cent of the time his name will be used by colleagues writing references on his behalf. With Beck he wrote two references himself which are indefensible.

My purpose in describing these incidents is simply to indicate that if accountability actually means what it implies then the Director and his Assistant Directors made errors. I cannot argue that "they did not know" or the "mistakes were made by others" for whom they are accountable.

The outstanding issue here is the grey area between members responsibilities and officers responsibilities.

It seems clear that the Director felt in some way constrained by his perception of members views about staff in general and Beck in particular. This does seem to have affected his judgement on some issues when Beck was employed - but hardly can be said to explain his actions subsequently.

It is difficult to know whether the constraints felt by the past Director are felt by the present Director. They are different people and the political nature of the Council will have changed. However, given its apparent effect upon the past and the potential for the present and the future I recommend that the Director review with the Chief Executive - and Members if appropriate - whether he the Director feels totally able to manage his Department as he would wish and if not to identify and resolve issues of concern to him.

B. Conclusions regarding Management

1. My Terms of Reference required me to focus upon the work of the Department in relation to Beck and to make recommendations as to how work can be improved to avoid similar difficulties arising in the future.

In seeking to do this in my report I feel it is necessary to comment upon the management of the Department up to 1987. This is because in my opinion there are a number of concerns that need to be made known. These concerns are not easily converted into recommendations, primarily because of the personnel and political changes since 1987. Nevertheless, in order to obtain a fuller picture of what actually happened, I think it necessary to offer an assessment.

2. My assessment is based upon the work I have undertaken and the information and opinions offered to me. I had no significant information before I began my work and I have not seen anyone who was not involved with the Department before 1987. I have no information about the current management of the Department, the wider involvement of the County Council or current practices and procedures. My assessment largely relates to my enquiries about Beck but inevitably opinions and information were given on other issues so that one could see what happened to Beck in a wider context. Having said this I accept that my assessment is based upon a crisis and can only be a snapshot rather than a total picture.
3. There are some difficulties in managing services within a local authority. One has to reconcile the political will of members with professional advice from officers and operate within procedures and processes laid down by the County Council. Social Services has become both big business in terms of money and staff but also the centre of considerable political interest within the local authority. It has also become increasingly a Department where tragedies, complaints or difficulties have attracted attention and concern of members of the Council and the media.

My experience is that a major issue affecting the management of a Department lies in the relationship between the Director, his senior staff and members of the County Council. This is known to be a source of tension in a number of Social Services Departments.

Within the relationship a key area lies in to what extent the Director is able as a Chief Officer to manage the Department. It is not uncommon for this to be sometimes ill-defined or subject to conditions on some issues. Thus, whilst the relationship between Director and Members is crucial it is not always harmonious.

4. It is always likely that a Director - and to a lesser extent his senior staff - will have an awareness of what the Members want to do, will do, or not do. It is always likely that the members will have clear views on some issues and seek advice on others.

Thus, in Leicestershire members had clear views about residential care for children and a strategy that led to closures. It also seems that on many proposals or issues members were keen to hear the views of staff or use the views of staff in addition to listening to the advice from the Director.

This last issue did cause the Director some problems because Beck was one of those listened to, apparently without the Director's prior knowledge and agreement.

5. Whilst such consultations with staff do not undermine the Director's position they can create a problem. Members may well prefer the views of those at the coal face to those of the man in the ivory tower and if this happens it requires some managerial skill and assertiveness to remind members who is overall managing the service and accountable for it.

When such staff involvement has a political dimension - as it did with Beck - then problems can increase. The possibility exists of relationships between politicians and members of staff being unhelpful in the general management of the Department as the Director found on occasion with Beck.

6. The Director's experience with members and his staff is not unique in Social Services although it may well have been a new experience for him. It is clear that he felt that Beck's position and relationships complicated his managerial responsibilities as Director and that any actions against Beck would not be well received by members unless any case was seen to be overwhelmingly strong and supportable. As I have indicated earlier, this was never the position until early in 1986.

It seems to me likely that the Director's attitude and interpretation of the scene would be communicated directly or indirectly to his senior colleagues and in turn influence their thinking.

7. Whilst I have some understanding of and sympathy for the Director's position in these circumstances, I do not find it entirely credible. I accept that where actions require endorsement by members, e.g. in disciplinary procedures, one has to be aware of the evidence necessary to prove a case before what may be a critical group. Given the judgement that the evidence was never strong enough then not proceeding was understandable - although I have some doubts.

What I cannot understand is why the Director - and indeed the Assistant Director of Care Branch - did not institute measures to improve management of The Beeches or introduce some inquiry into its running. Such decisions lie within the powers of management - they are not conventionally required to have political approval although courtesy and common sense requires one to advise members of actions that have been taken.

I consider this lack of action was poor management. It seems to me to be a continuation of weakness - given that Beck would probably protest and seek to have it prevented - as well as low level pragmatism in that such work might well either temporarily or permanently take The Beeches out of operation.

8. I am of the view that wider indications of this weakness are evident. It is to me astonishing that Beck was able to flout Departmental policies regarding care and control for some years. It was not so much that breaches were ignored but that his actions were seen to be defensible by senior officers. One has the distinct impression that the Department may have had rules for its community homes but did not bother to apply them for The Beeches.

9. A further factor of concern about management centres upon the references given for Beck. One has to say that this was a straightforward request from another agency on an ex-employee. This was handled departmentally and without any political view being needed or indeed relevant.

It seems to me a straightforward issue of telling the other agency the facts about Beck in the light of the managerial decision that he would not work in social work again. This was not done and the references reflect an almost sympathetic tone regarding Beck.

10. Beck's approval as a foster parent was in my view a poor decision.

It is not unique for residential workers to become foster parents or for single men to become foster parents. What is unbelievable in Beck's case is that senior managers - well aware of the inability to obtain sufficient evidence to discipline him - colluded with a decision to approve him to take children as a foster parent.

The idea of placing a particular young person with Beck began at area level. They were not to know what senior managers knew. Beck should have been told he could not be a foster parent and that was a management decision.

11. I find it difficult to temper these criticisms of weak management in relation to Beck. One cannot say that decisions were made without managers knowledge. One cannot say I am using the benefit of hindsight because I have only seen information available at the time. One cannot say everyone makes a mistake - which I accept - when there were a whole series of mistakes related to one person.

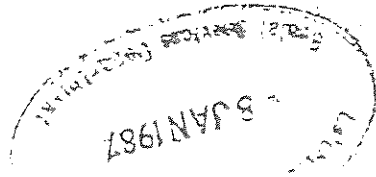
My impression is that senior managers were both uneasy with and sympathetic to Beck. They used him as a resource and knew he would take difficult children. They found him difficult to deal with and were very sensitive to his political connections. They found it easier to avoid nettles rather than grasp them.

12. These errors and mistakes have to be seen in the context of managerial pressure referred to earlier. I accept that pressures existed upon people in senior positions and this may well be one reason for the absence of recorded decisions. I do not consider that "pressure" adequately explains either the inaction or actions of some managers in relation to key issues affecting Beck.
13. For all I know the management of all other issues within the Department during this period may have been above reproach and the approach to Beck an isolated example of poor management. As it happens, there have been changes in both management, personnel and structure since 1987. In themselves, these do not guarantee that mistakes will never be made again because mistakes may lie in errors of judgement by experienced managers - as was the case with Beck.

MBN/EG
12.12.90

Your reference

6 January 1987



[REDACTED]
Principal
Residential Care
County Hall
Glenfield
LEICESTER LE3 8RL

Dear Mr [REDACTED]

Concerning : Mr Frank J BECK
Principal - Young Persons Unit
Leicester Forest East
1978 - 1986

The above-named has applied to be placed on our register of temporary social workers. The register is for Residential and Field social workers who are available, at short notice if necessary, for Homes and Hostels maintained by Local Authorities and Voluntary Organisations for those 'in care'.

We would be grateful if you would inform us whether, in your opinion this person is suitable for taking on this kind of responsibility, is in good health and has a reliable, trustworthy and stable personality. If this person has worked for you, would you please supply the exact dates of employment.

We should be pleased to have any other comments, particularly whether this person has the ability to work in close co-operation with others, and whether you know of any reason why his/her application should not be considered.

As this company is often asked by Social Services Departments to cover urgent vacancies, your early attention to our requests would be very much appreciated.

We would like to thank you for your help and enclose a stamped addressed envelope for your early reply, which will be treated in complete confidence .

contd.

In writing your reference, please will you note that, in order to protect the public, this application is exempt from Section 4(2) of the Rehabilitation of Offenders Act 1974, by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

It is not therefore in any way contrary to the Act to reveal any information you may have concerning convictions which would otherwise be considered as "spent" in relation to this application and which you consider relevant to the applicant's suitability for employment.

Any such information will be kept in strict confidence, and used only in consideration of the suitability of this application for a position for which such an exemption is appropriate.

 SOCIAL CARE



PP

Social Care Administrator

RFR/BB

L. 316286

15th January, 1987

Dear Sir,

Thank you for your letter of the 6th January requesting information with regard to the personality, experience and suitability of Mr. Frank Beck to be placed on your register of temporary social workers.

As Mr. Beck will have informed you he was in the employment of this authority from 1973 until his resignation in March 1986. Mr. Beck will also have informed you that he served as Officer in Charge of the Poplars Children's Home in Market Harborough, the Children's Home in Ratcliffe Road in the City of Leicester and The Beeches Children's Centre in Kirby Muxloe, Leicester, during the period of service with the County Council.

Each of these establishments were used as accommodation for children and young people with emotional and behavioural problems, frequently of an acute nature. A considerable proportion of the young persons cared for in these establishments had appeared before the Courts having committed offences. Mr. Beck developed a personal approach to the care of children and young persons which was reflected in the regime of his Home. However, he was able to demonstrate the effectiveness of his methods and was successful in modifying the more acute behavioural problems demonstrated by many young people.

At The Beeches Centre following the closure of Polebrook House, the county's only Community Home with Education on the premises, Mr. Beck and his staff provided care for a number of young people who would formerly have been placed in that establishment. With regard to his reliability and trustworthiness, these were above questioning although being a person who was willing to express his views most strongly, he evoked varying responses from his colleagues although many recognised his strengths and gave him their full support. In his relationships with his staff Mr. Beck found it ~~so~~ easier to sympathise with those residential care officers who adopted his style of operation and were able to identify themselves with his methods. He devoted much time to developing in his staff an appreciation of what he was attempting to

Social Care Administrator,

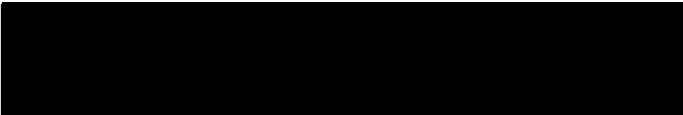
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LONDON

achieve. Undoubtedly the willingness with which he was prepared to commit himself to the interests of young people in a wholehearted manner was acknowledged throughout the Department.

Mr. Beck may have explained to you the reasons for his resignation. However, you may wish to discuss these with him as he undoubtedly found the constrictions of the authority's policy difficult to accommodate himself to on occasions.

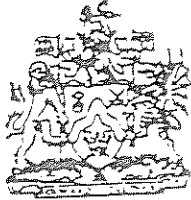
Yours faithfully,



Director of Social Services

908 7484

**London
Borough of
Brent**



Social Services Department

Forbes House Resource Centre,

Forbes House,

Comber Close,

London, NW2 7EG

Tel: 01-450 9181

This matter is being dealt with by

David Divine Director

Your Ref:

My Ref:

16th March 1987

Director
Leicestershire Social Services Dept
County Hall
Glenfield
Leicester

Re: Frank John Beck
10 Bidford Close
Braunstone
Leicester

Dear Sir

Further to the recent appointment of Frank John Beck on a short term contract, the Department as per normal procedure contacted the D.H.S.S. for check to be made as to his suitability to working with children and young persons. They have referred us to you as they claim to be undertaking a detail inquiry into his suitability.

As he is currently employed on a short-term contract, I would appreciate clarity as to the reasons for D.H.S.S. investigations in order that I may deal with this matter appropriately. Please consider this matter urgently.

Yours faithfully

[Redacted Signature]

P/O Residential Child Care

[REDACTED]

19th March, 1987

Dear Ms. [REDACTED]

Thank you for your letter of 16th March regarding your recent appointment of Mr. Frank John Beck on a short-term contract to your Department.

Perhaps the most appropriate way for me to deal with your enquiry is to enclose details contained in a reference provided earlier this year on behalf of Mr. Beck. Mr. Beck resigned from this Authority in March last year following difficulties which arose in relationships with members of his staff leading to a loss of confidence on both sides.

Mr. Beck may have explained to you the reasons for his resignation but you may find it helpful to discuss these with him as he undoubtedly found himself at odds with this Department from time to time and certainly at the time of his departure.

Yours sincerely,

[REDACTED]
Director of Social Services *MA*

[REDACTED]
Principal Officer,
Residential Child Care,
Social Services Department,
Forbes House Resource Centre,
Forbes House,
Comber Close,
LONDON. NW2 7EG.

LEICESTERSHIRE COUNTY COUNCIL
GRIEVANCE, DISCIPLINARY AND APPEALS PROCEDURE

A.P.T. & C. STAFF

General

Staff employed on other Conditions of Service

The A.P.T. & C. procedures shall apply to any member of staff who is an "officer" within the meaning of Section 40(i) of the Local Government Superannuation Act 1937, other than a teacher or uniformed member of the Fire Brigade or Police Force.

Criminal Liability

If an alleged indiscipline or misconduct appears to involve criminal liability, the Head of Department shall inform the County Secretary. If the County Secretary considers that a criminal offence has been committed he shall refer the matter to the Chief Constable. (Where suspected irregularities affect cash, stores or other property, the County Treasurer must also be informed).

Probationary or temporary service

These procedures will not apply to anyone dismissed during his/her probationary period, nor to anyone employed in a temporary capacity. Inefficiency or unsuitability on the part of an officer who is either temporary or on probation shall be investigated by the Head of Department who, after consultation with the Director of Personnel and Management Services, shall take what action he decides is appropriate. In the case of an employee dismissed during the probationary period it has been agreed that, if union assistance is sought by the employee, the trade union officer or representative be allowed to make representations on behalf of the member to the officer dealing with the dismissal or to the Head of Department if necessary. If, following consideration of the facts leading to the dismissal, the union still feel that the employee has been treated unfairly, the union may raise the matter with the Director of Personnel and Management Services. There shall be no other right of appeal against such decisions.

Part-time Staff (including Sessional)

The procedures are applicable only to those employees who, under the Contracts of Employment Act, 1972, have a statutory right to a written statement of terms and conditions of employment. However, a Head of Department, after consultation with the Director of Personnel and Management Services, may decide that the procedures will be used in other cases as they arise.

GRIEVANCE PROCEDURES

Note: The following procedure does not apply to matters appropriately dealt with under Paragraph 80 (Appeal) of the National Scheme. Matters relating to statutory deductions from pay (Income Tax, pension contributions, national insurance, etc.) are not dealt with under these provisions. Enquiries on these should be directed to the County Treasurer or alternatively to the appropriate office of the employing department.

1. Where an officer is aggrieved on any matter (other than the grading of his post) he should discuss the matter initially with his immediate superior, (e.g. Senior Clerk or Section Head).
2. The immediate superior shall reply orally to the grievance as soon as possible and in any case within 7 days. Alternatively arrangements may be made for the person concerned to see the Head of Department or a senior nominated officer within 7 days.
3. If the complainant is dissatisfied with the reply he should report his grievance to his staff (or trade union) representative who may then raise the matter with the Head of the Department (or other senior nominated officer). Where an officer is not in membership of a trade union or staff organisation he should be allowed personally to make representations to his Head of Department (or other senior nominated officer).
4. The Head of Department (or other senior nominated officer) should reply to the complainant as soon as possible and in any case within seven days.
5. If the complaint is not satisfactorily resolved at this stage, the complainant or his Trade Union may appeal to the Conditions of Service Sub-Committee of his employing committee.
6. The matter to end at employing authority level except where it is agreed between the parties that an important issue of principle arises which could be considered through the conciliation machinery.

DISCIPLINARY PROCEDURES

1. Warnings

- (a) Where an officer's work, conduct or omission are such as to warrant disciplinary action, the appropriate supervisor should give a verbal warning to the officer. The officer must be advised that the warning constitutes the first formal stage of the disciplinary procedure.

2.

- (b) The further commission of a similar act, or of a subsequent but different offence will result in a written warning indicating that a further offence will be referred to the Conditions of Service Sub-Committee of the appropriate employing committee, which may result in suspension or dismissal. The officer may ask that his trade union official be notified of the written warning.
- (c) No disciplinary action beyond a verbal warning should be taken against a trade union official until the circumstances have been discussed with a senior trade union representative or full-time official.
- (d) Details of warnings should be recorded on the officers file and shown to, and initialled by, the officer when warned.
- (e) If after the issue of a warning, the officer's conduct remains satisfactory for a period of 12 months, the record of the warning will be expunged from the officer's personal file.

2. Suspension

A Head of Department, in consultation with the Director of Personnel and Management Services, may suspend an officer for gross misconduct, or to enable allegations of such misconduct to be investigated. Such action shall be reported forthwith to the appropriate Conditions of Service Sub-Committee or the Chairman thereof. The officer shall be informed accordingly and notified of his right to be represented by his trade union representative or some other person of his choice at any meeting of the Sub-Committee. In the event of it being adjudged that the officer was not blameworthy, the suspension shall be terminated and details would not be recorded on the officer's personal file.

An officer suspended from duty is entitled to receive full pay.

Gross misconduct is misconduct of such a nature that the authority is justified in no longer tolerating the continued presence at the place of work of the officer who commits such an offence.

Examples of offences of gross misconduct which may warrant suspension leading to dismissal include:

- An admitted criminal offence or one which can be conclusively proved by direct evidence.
- Gross insubordination.
- Acts likely to cause or causing major damage to Council property.
- Gross disregard for the safety/well-being of any person.
- Unauthorised removal of the authority's property.
- Offences of dishonesty.
- Sexual offences and sexual misconduct at work.
- Violence on duty and physical assault.
- Falsification of time sheets, subsistence and expenses claims etc.
- Theft.

This list is neither exclusive nor exhaustive and each case will be considered individually. In addition there may be other offences of a similar gravity which would constitute gross misconduct.

3. Appeals

When notified of the decision of the Sub-Committee, the officer must be informed of the grounds for the action taken, his rights of appeal to the Appeals Committee of the Council, and to an Industrial Tribunal in the event of dismissal. Notice of appeal to the Appeals Committee must be sent to the County Secretary within 10 days of the receipt of the notification of the disciplinary decision.

4. Appeals to Industrial Tribunal

An employee may wish to appeal against dismissal to an Industrial Tribunal. He must be informed that the appeal should be lodged within 3 months from the effective date of termination of employment. The applicant should request that his appeal to the Tribunal should be held in abeyance until his rights under the procedure of appeal as set out above have been exhausted.

To: The Chief Executive
Non-Metropolitan County Councils)
Metropolitan District Councils) in England and Wales
London Borough Councils)
The Common Council of the City of London)
The Council of the Isles of Scilly)
The Education Officer, Inner London Education Authority)

for action

Directors of Education
Directors of Social Services
Chief Officers of Police
Chief Probation Officers
Secretaries of Probation Committees
Governing Bodies of Voluntary Aided Schools
and Special Schools
Proprietors of Independent Schools
Correspondents of Non-Maintained Establish-
ments of Further Education
Establishments of Further Education providing
courses of initial Teacher Training
University Departments of Education
National Council of Voluntary Child Care Organisations
National Council for Voluntary Organisations
National Council for Voluntary Youth Services
The Volunteer Centre
Central Council for Education and Training
in Social Work
Council for Education and Training in Youth
and Community Work

for information

17 July 1986

Dear Sir

PROTECTION OF CHILDREN: DISCLOSURE OF CRIMINAL BACKGROUND OF THOSE
WITH ACCESS TO CHILDREN

SUMMARY

This Circular explains the new procedures for checking with local police forces the possible criminal background of those who apply or move to work with children. The arrangements apply to local authority paid staff and volunteers engaged in the care of children, and others such as registered childminders and foster parents caring for children boarded out with them.

GENERAL

1. Recommendations from a Home Office-led review* of the disclosure of criminal convictions of those with access to children have been accepted by the Government. This review was set up following the conviction at the end of 1984 of Colin Evans for the murder of Marie Payne. In order to minimise future risk to children, the review recommended that checks should be made with local police forces in many circumstances before staff or volunteers are taken on to work with children, or on others wishing to care for children in an officially recognised

*Disclosure of Criminal Convictions of Those with Access to Children-First Report; Home Office/DHSS July 1985

capacity. The new arrangements described in this circular apply in the main only to persons engaged by statutory bodies — ie, people engaged by local education authorities, local social services departments, the probation service and (via a separate circular) health authorities. The arrangements do not generally apply to staff already engaged. Authorities should not, subject to the exceptions noted at paragraphs 3 and 19 below, carry out checks on persons employed or engaged prior to the issue of this circular. Further consideration is being given to extending the arrangements to voluntary organisations and some private bodies engaged in the provision of services to children.

2. The Department of Education "List 99" (paragraph 10–14 below) will continue to operate alongside the new arrangements. The DHSS Consultancy Service (outlined at Annex A) will also continue for the present. Whilst checking with the local police under the new arrangements should provide a more effective method of checking for any previous convictions, the DHSS register may provide other relevant information.

THE NEW ARRANGEMENTS

PERSONS ON WHOM CHECKS SHOULD BE MADE

3. A check as to the existence and content of a criminal record should generally be requested after a person has been selected, but before he or she is appointed to a position giving substantial opportunity for access to children. This applies to employees and volunteers, whether paid or unpaid, full-time or part-time. In general, the arrangements apply to children up to the age of 16, but do not exclude older children in local authority care; those with mental or physical handicap, or who continue at school. A check should also be requested when a person is already employed by the authority in other areas of work, and moves to a position entailing substantial access to children. The requirement for checking applies also to prospective foster parents and adoptive parents and childminders. The following are the main groups of people for whom checks should be considered when a person is being appointed, approved or registered.

- (a) *Prospective long-term and short-term foster parents (including private foster parents), and other adults in their households
- (b) *Prospective adoptive parents, and other adults in their households
- (c) Applicants for Custodianship Orders, and other adults in their households
- (d) *Childminders on registration, and other adults in their households
- (e) Staff of local authority-provided day nurseries and similar local authority facilities
- (f) Managers and staff in community (children's) homes provided by local authorities and controlled community homes
- (g) Local authority social services staff (including social work staff and those involved with intermediate treatment) who have substantial opportunity for access to children
- (h) Local authority staff in other departments who have substantial opportunity for access to children
- (i) School teachers in maintained schools
- (j) Other professional staff in education departments (eg, education welfare officers, educational psychologists)
- (k) Other people working on or from school or other local authority premises and whose work brings them regularly into contact with children (eg, caretakers, groundsmen, school bus drivers)
- (l) Full- or part-time youth club leaders or workers in facilities provided by local authorities
- (m) Probation officers and other probation service staff who have opportunity for substantial access to children
- (n) Volunteers working for authorities in the above areas

This list is illustrative; it is neither comprehensive nor prescriptive.

Students and trainees etc

4. The arrangements for checking with the police should also apply where appropriate to students and others engaged for limited periods of practical work as part of their training or for work experience. Local authorities will need to take this into account in the arrangements they make with educational and other bodies for providing training and work experience.

*This is an existing arrangement, except that others in the households are not at present subject to checks.

"Substantial Access"

5. A large number of those in the list above will generally have substantial access to children and therefore should be checked through the new arrangements. In some cases, however, the situation may be less clear, especially in relation to volunteers. In these cases a judgement must be made on whether the amount of access to children can be regarded as substantial and therefore whether it is necessary to request a check. It is not possible to quantify "substantial access". However, to help in reaching decisions in such circumstances, the following points should be considered.

i. Does the position involve one-to-one contact?

If it does, and especially if such contact is likely to be away from the child's home or separate from other children/adults, then access should be regarded as substantial, even if contact is only for short periods.

ii. Is the position supervised?

It is possible for a person to spend considerable amounts of time with children, but under close supervision. This might not necessarily be regarded as substantial access, though the scope for developing relationships which could be exploited outside working hours should be kept in mind.

iii. Is the situation an isolated one?

There is a greater risk to a child who is living away from the home, eg in residential care, possibly for lengthy periods, and the risks may increase the further the child is from the parental home, or where parental visits are infrequent. A similar situation could arise where there is opportunity to take children singly, or in a group, away from family surroundings (for example, on holiday).

iv. Is there regularity of contact?

The more regular contact a person has with the same child or group of children, the greater the opportunity to put the child at risk. This is especially so if the contact is unsupervised, or occurs away from other children. Equally, opportunities for regular social contact, such as between a child and a caretaker on school premises, might be seen as providing substantial access.

v. Are the children particularly vulnerable?

It may be considered that younger children are more vulnerable than older children and generally less able to protect themselves, but the nature of the risk must also be considered. Younger children may be more at risk of sexual abuse; older children from drugs. More particularly, children with a physical or mental handicap, or who have social or behavioural problems are likely to be more vulnerable than those whose health is sound and/or who come from a stable home background.

WHEN CHECKS SHOULD BE REQUESTED

6. Police checks must not take the place of normal recruitment procedures. References should be required and taken up in the case of all new appointments, with unexplained gaps in employment being satisfactorily accounted for. When a police check is necessary, the request should go to the chief constable of the police force for the area in which the applicant has applied to work. Chief constables in England and Wales will be asked to seek, where it is appropriate to do so, information from other police forces (including those in Scotland and Northern Ireland) in which the applicant lives or has lived previously.

(The police will not be able to provide routinely records of driving offences and, where a post involves driving transport for children, the applicant's driving licence should be examined by the engaging authority for evidence of any current or recent disqualification).

7. Where a police check is likely to be required in relation to a position (whether paid or voluntary) covered by this circular, the applicant should be required to list, as part of the recruitment procedures, any convictions, bind-over orders or cautions. At the same time, attention should be drawn to the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the ROA 1974 (Exceptions) (Amendment) Order 1986 which comes into force on 18 July 1986, which allow convictions that are spent under the terms of the Rehabilitation of Offenders Act 1974, to be disclosed for this purpose by the police and to be taken into account in deciding whether to engage the applicant. The applicant therefore may properly be requested to list all convictions and cautions. The applicant must give his permission in writing for a police check to be carried out. It should be made clear to the applicant that refusal could prevent further consideration of the application.

8. It is important that the most efficient and economical use be made of the arrangements. Requests for checking must not therefore be made when interview short lists are being drawn up, but only when the final candidate has been selected and in respect of that candidate alone. To include large numbers of candidates for positions would greatly overload the capacity of the checking system, and would entail long and unacceptable delays. The police should not be asked to confirm criminal records where the person concerned has admitted a conviction which would clearly render him or her unsuitable to work with children.

DHSS Consultancy Service

9. The DHSS Consultancy Service will continue for the time being and may be used by local authorities and voluntary organisations as a further check on a person's suitability, because it may provide relevant information not available in police records of convictions. How the Consultancy Service works is set out at Annex A. Local authorities and voluntary organisations are, therefore, requested to continue to inform the DHSS about members of staff who are dismissed or resign in the circumstances described in paragraph 7(b) of Annex A.

DES 'List 99'

10. For school teachers and other local authority employed workers with children and young people, the DES 'List 99' procedures will continue and should also be observed. Under these procedures, set out in DES administrative memorandum 3/82, the Secretary of State for Education and Science has a power under paragraph 10 of The Education (Teachers) Regulations 1982 (SI 1982/106) to bar unsuitable persons from employment to which the relevant part of the Regulations applies. "Relevant employment" is the employment of persons

- a. by a local education authority, as teachers (whether or not at a school or further education establishment) or as workers with children or young persons
- b. by any other body, as teachers at a school or further education establishment.

11. The schools and further education establishments referred to are those respectively maintained (except in the case of special schools) or provided by a local education authority. The term "worker with children or young persons" is defined in the Regulation to mean "a person, other than a teacher, whose work brings him regularly into contact with children or young persons who have not attained the age of 19 years". The Secretary of State's powers include a power to make a direction in the case of a person not at the time in relevant employment. Such a direction could only take effect in the case of a person subsequently seeking relevant employment.

12. Local education authorities and other employers in the education sector should continue to report cases of misconduct promptly and in full detail to DES. List 99 should be consulted in individual cases before having recourse to the new checking arrangements. Where under these new arrangements a local education authority becomes aware that a person has a previous conviction, this should be notified to DES in order to tie the new procedures in with List 99 procedures.

13. Cases of doubt may arise over workers other than teachers and these should be considered in the light of the individual job description, the conditions and circumstances of each job and specifically with regard to the regularity of contact with children or young persons. "Contact" in this context is not limited to physical contact, but includes any meeting or coming into close proximity with children or young people. "Regular" is taken to mean more than occasional contact. It is stressed that the regularity and type of contact is crucial, and not the kind of job involved. All staff in regular contact should be considered and not only those who have direct responsibility for the welfare of children. Thus, both professional and non-professional staff will be involved. In future, the DES List 99 will cover all such staff and will distinguish between professional and non-professional staff. Paragraph 3 of this circular gives some examples for illustrative purposes; they are not comprehensive.

14. Certain kinds of staff may be employed either by local social services departments or local education departments — for example, teachers by social services departments, care staff and social workers by local education departments. There will need to be effective liaison when such staff transfer from one service to another. This will also be necessary where, for example, staff from one service work in or on behalf of the other service, such as at diagnostic or assessment centres.

THE INFORMATION GIVEN IN RESPONSE TO A CHECKING REQUEST

15. The police will reply either showing that they have no record for the person concerned or, if they have, giving full details including cautions and bind-over orders. It is for the employing body to make a judgement as to suitability taking into account only those offences which may be relevant to the particular job or situation in question. The fact that a person has a criminal record does not automatically render him or her unsuitable for work with children. On the other hand, it is not only sexual offences which may render a person unsuitable. A person's suitability should be looked at as a whole in the light of all the information available.

16. In deciding the relevance of convictions, a number of points should be considered,

a. What is the nature of the conviction?

In general, convictions for sexual, violent or drug offences will be particularly strong contra-indications for work with children.

b. What is the nature of the appointment?

Often, the nature of the appointment will help to assess the relevance of the conviction. For example, sexual, violent or drug offences would give rise to particular concern where the position was one of providing care. Dishonesty offences would become more relevant where the position was one involving money (eg, where collecting money from children was part of the job); those for driving or drink in situations involving transport of children.

c. When did the offence occur?

Offences which took place many years in the past may often have less relevance than recent offences. However, convictions for violent or sexual offences are more likely to give cause for continuing concern than others for, say, dishonesty. The chance for rehabilitation must be weighed against the need to protect children.

d. Frequency of offence

A pattern of unrelated or similar offences over a period is more likely to give cause for concern than an isolated minor conviction.

Discrepancies and disagreements

17. Where the information provided by the police does not agree with that provided by the applicant, the authority must, before reaching a decision whether to appoint, discuss the discrepancy with the person. Where there is disagreement, the person should have the opportunity to see the information provided by the police. A person who believes the information is incorrect and wishes to make representations to the police should do so in the first place through the nominated officer.

Safekeeping of information

18. The information the police will provide is of a confidential nature. It must be used only to judge the suitability or otherwise of a person for the position in question. The nominated officer in the authority who receives the information must keep it securely while the judgement is being made. Once this has been done, the information should be destroyed. An indication on the records that a check with the police has been carried out may be made but should not refer to any specific offences.

Existing employees

19. Checks with the police should not generally be carried out on existing employees or volunteers unless they transfer from other work to positions which provide opportunity for substantial access to children. If, exceptionally, serious allegations are made against a person already working with children, or previously unrevealed information comes to light, a check may however be made. This must not be done without the knowledge of the individual concerned who must be given an opportunity to discuss the information supplied (as in paragraph 17). Subsequent action as a result of such a check is a matter for the employing body in the light of all the circumstances.

HOW CHECKS ARE TO BE REQUESTED

The 'senior nominated officer'

20. One senior officer in each relevant local authority department will be responsible for requesting checks from the police. The nominated officer must be of a sufficiently senior level (eg, assistant director or equivalent). He or she will be personally responsible for overseeing operation of the checking procedure within the department, ensuring that the relevant information is released only to those who need to see it, and for safekeeping and destruction of the information.

21. All requests for checks will come within the responsibility of that officer. He or she will first of all make the decision whether a check is necessary and justified, and if so, make the formal request to the police. A specimen form for this purpose is at Annex B. This officer must also certify the accuracy of the details. It is important, therefore, that complete and accurate information is obtained on the initial job application to the employing authority. The police in turn, will send the results of the check back to the requesting officer.

POLICE REPORTING OF CONVICTIONS

22. The police already report certain convictions to some employers or professional bodies. These arrangements will continue broadly unchanged. In the case of youth workers and teachers and ancillary staff at any type of school, reports will be sent to the Department of Education and Science who will take the matter up with the person and employer concerned. In addition, where the police are aware that the person concerned has substantial access to children as a result of holding a position in the other groups listed in paragraph 3, they will forward the report to the Department of Health and Social Security and to the employer. Where the employer is not known, a copy of the report will be sent instead to the most appropriate senior nominated officer for the area where the conviction or caution was incurred. Action to be taken on receipt of such a report is a matter for the employer or senior nominated officer concerned but the subject of the report should usually be informed of its receipt. The convictions or cautions to be reported are particularly those involving violence, indecency, dishonesty, drink or drugs.

POLICE INDEMNITY

23. The Home Office already hold indemnifications for the police in respect of current reporting referred to in paragraph 22. The police will also require to be indemnified by the local services concerned against any liability incurred as a result of provision of information in response to requests made under the new arrangements and subsequent reporting of offences. The indemnity required will be in the following form which closely follows the long-standing wording of the indemnities held by the Home Office.

"This authority undertakes to indemnify the police against any liability or civil claim which may be incurred by a police authority or any individual serving or former police officer or serving or former member of police civil staff as a result of the provision by the police to this authority of reports of convictions or cautions".

ACTION TO BE TAKEN NOW

24. The new checking arrangements should be discussed with the police with a view to putting them into effect as soon as possible. Each authority or body involved should immediately select the relevant "nominated officers". Each officer thus given the responsibility for checking should contact his local police force headquarters, so that the police can compile a list of those authorised to receive information about criminal records. Arrangements should be made to ensure the safekeeping and destruction of the information, and that staff involved in recruitment are aware of both the need for checks and the arrangements for them.

RESOURCES

25. It is recognised that the new arrangements may give rise to some extra work in connection with recruitment processes. However, the work should be capable of being absorbed within the normal recruitment process without the need for specific additional resources.

FURTHER EXTENSION

26. The review team on whose recommendations this circular is based is currently examining possible ways of extending checking arrangements to cover persons working with children in the voluntary and private sectors and will be making recommendations later this year. Authorities will be advised of any subsequent arrangements in due course.

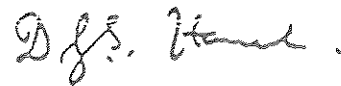
Yours faithfully



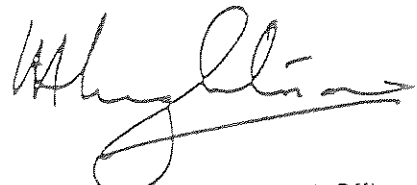
Home Office



Department of Health and Social Security



Department of Education and Science



Welsh Office

Further copies of this Circular may be obtained from DHSS Store, Health Publications Unit, No 2 Site, Manchester Road, Heywood, Lancs OL10 2PZ quoting code and serial number appearing at top right-hand corner.

DHSS CONSULTANCY SERVICE

1. The Department of Health and Social Security operates a consultancy service on an advisory basis whereby local authorities and voluntary bodies can check the suitability of those they propose to employ in the child care field. The service

- (a) notes convictions against those who (at the time of conviction) are or were in child care work; it also notes the names of persons formerly in such work who have been dismissed or who have resigned in certain circumstances (see paragraph 7 below)
- (b) at the request of local authorities or voluntary organisations, provides a check against this register when child care employment or involvement is being sought
- (c) alerts local authorities/voluntary organisations if the check is 'positive'.

THE PURPOSE OF THE CONSULTANCY SERVICE

2. The service is provided for local authorities and voluntary organisations in England and Wales which have responsibility for the welfare of children. The object is to make sure that, as far as possible, "unsuitable" people are not appointed to positions involving contact with children or responsibility for them. The type of appointment covered is "anyone appointed to a post in a children's home or to any post in the child care service in which the applicant would be directly concerned with the care of children".

ENQUIRIES FROM LOCAL AUTHORITIES/VOLUNTARY ORGANISATIONS

3. When a local authority or voluntary organisation is considering an applicant for a post which involves contact with children, or responsibility for their welfare, it may use the consultancy service to check whether information is held which might indicate the unsuitability or otherwise of the applicant.

4. If DHSS holds no information (and this is likely to be so in the overwhelming majority of cases) a copy of the enquiry form will simply be returned stamped 'no observations'. But if there is an entry on the register, DHSS will take a decision on its validity and relevance, and if this is positive will contact the local authority or voluntary organisation concerned.

5. Normally, DHSS will not provide the actual information it holds about convictions. Rather, it will suggest that a reference is taken up from the applicant's previous employer (specified where known).

6. Requests for checks against the information held by the consultancy service should be addressed to

The Executive Officer
(DHSS Consultancy Service)
Room B1309
Alexander Fleming House
Elephant and Castle
LONDON SE1 6BY

HOW THE REGISTER IS COMPILED

7. The information held on the DHSS register comes from three sources:

- (a) police reports* The police inform DHSS of convictions against those who are known to be, or have been, employed in child care work at the time of conviction, and against teachers. 'Major' offences, such as those involving theft, violence, drink, drugs or indecency are reported; 'minor' offences such as road traffic offences are generally excluded.

*The new police reporting arrangements are described in paragraph 22 of the circular.

- (b) local authority/voluntary organisation reports Local authorities and voluntary organisations tell DHSS when a member of their staff is dismissed or resigns in circumstances which might suggest that children would be put at risk if the person were again appointed to a position involving responsibility for children's welfare. There need not be police proceedings for such reports to be made.
- (c) DES reports The Department of Education and Science sends DHSS a copy of its List 99 (which relates to people who may not be employed as teachers).

8. When information is received, it is considered within DHSS by administrative and Social Services Inspectorate staff (consulting medical colleagues where necessary) against a set of criteria — primarily, whether children would be at risk if the person was to be employed in child care; the gravity of the offence; and any previous history. If it is then considered appropriate, the name is added to the register.

9. When a name is put on the list, the person concerned is notified, provided with the details of the conviction which has been reported or the circumstances in which he has ceased to be employed, and told of the use to which the information may be put. He thus has the opportunity of confirming the information, contesting or correcting it, or generally to make representations about the matter to DHSS.

SPECIMEN OF FORM TO BE USED TO REQUEST A POLICE CHECK FOR CRIMINAL CONVICTIONS

IN CONFIDENCE

NAME OF AUTHORITY
DEPARTMENT AND ADDRESS

TELEPHONE Date
Reference

To (police force HQ)
.....
.....

Mr/Mrs/Ms (Full names)

of)
.....) (present address)

from / / (date)

.....)
.....) (previous address)

from / / (date)

Date of birth / / Previous or other names

Place of birth

Any other identifying particulars (eg height)

will have substantial access to children under the provisions of Joint Circular No 44/86. Please check for any record of convictions or cautions. I am satisfied that the particulars given above are accurate and that the above-named person has given written permission for the check to be made and is aware that any spent convictions will be disclosed.

Signed
Name (in capitals)
Position

If the subject admits to having a record of convictions or cautions tick box

To be completed by the police, and whole form returned

Tick appropriate box

No trace on the details supplied

The subject appears to be identical with the person whose record of previous convictions is attached

Signed
Position
Date