

| Case Ref. No. | Summary of Allegation   | Dates                    | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board | Monitoring Officer Response   |
|---------------|---|--------------------------|------------------------|--|---|---|
| CU 001        | <p><b>Formation of Tower Hamlets Homes</b><br/>Allegation that Tower Hamlets Homes was formed to remove Council responsibility for housing problems and at a loss to the taxpayer.</p>  | Pre-Clear Up Period      | Out of Scope           | Tower Hamlets Homes was formed prior to the Clear Up period (Oct 2010 – June 2016) and the complainant did not provide further, specific allegations relating to the Clear Up period when requested. This allegation was therefore considered to be outside of the scope of the project.   | No recommendations  | <p><b>No further action</b><br/>Tower Hamlets Homes was set up to separate the day to day housing management role of the Council as landlord from its wider strategic housing role. Through the ALMO Programme, DCLG offer additional resources towards the cost of achieving the Decent Homes Standard and which the Council could not otherwise access. The Government would not have consented to the establishment of Tower Hamlets Homes without clear evidence that the council has consulted its tenants and leaseholders and can demonstrate a balance of support from them for the ALMO proposal</p> |
| CU 002        | <p><b>Conversion of the Ben Jonson Road Retail Units from 8 to 16 units</b><br/>Allegation that the decision to convert the retail units gave an unfair advantage to specific individuals who would not have been able to pay the rent otherwise, and that this decision went against the residents' wishes. Allegation the decision was then effectively 'reversed' in June 2016 when it was agreed that 3 of the units would be leased to a supermarket with a six month rent free period. Allegation that both of these decisions resulted in a financial loss to tax payers and that an intention to benefit certain individuals had caused this situation.</p> | April 2013 and June 2016 | Rejected               | <p>The Clear Up Team found that whilst the background to the situation described in the allegation is mostly supported by evidence identified, the substance of the allegation that something improper has occurred is rejected.</p> <ul style="list-style-type: none"> <li>- There was a change in the Council's approach to identifying appropriate traders for the Ben Jonson Road shops between April 2013 when a Cabinet Decision was taken and July 2016 when a Mayoral Decision and Commissioners' Decision were taken. This appears to have been partly as a result of a difference in political approach three years after the original decision and partly as a response to advice received from an external property agent.</li> <li>- The change in approach means that it is possible that if a supermarket is identified which wishes to lease a larger sized unit, then there may be a need to remove a breeze block partition wall that was previously built and that additional water and electricity connections have been installed unnecessarily. The potential 'wasted' costs would be less than £20,000; however a contract with a supermarket has not yet been agreed so this may not occur. The supermarket would be responsible for any further costs incurred to alter the layout of the units so there is no risk of further costs to the taxpayers.</li> <li>- The potential rent free period currently being discussed with a supermarket is consistent with external advice provided to the Council, and similar arrangements have also been negotiated with the tenants of the other (single) units.</li> <li>- There is no indication that there was any attempt to create an unfair advantage to specific individuals as alleged. The only preference shown was to the displaced previous traders who had a legal 'right to return'.</li> </ul> | No recommendations  | <p><b>No further action</b><br/>The Summary of Findings is accepted</p>   |

| Case Ref. No. | Summary of Allegation   | Dates               | Clear Up Team Response | Summary of Findings   | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response   |
|---------------|---|---------------------|------------------------|---|--|---|
| CU 003        | <b>Dorset Library closure and transfer</b><br>Allegation that this asset was handed to a community association by the Borough's former Mayor in 2011 or 2012, and now runs as a Mosque thereby excluding many residents on the estate.  | 2012 and ongoing    | Rejected               | <p>The allegation is rejected, on the basis that (i) the community association was correctly selected in preference to the two other applicants through the Council's "Allocation process for Council-owned property to Third Sector Organisations" (which had been approved by the Cabinet in 2010); and (ii) that there is no requirement for the community association to grant access to the Dorset Library to other community groups.</p> <p>- Documentary evidence has been located which demonstrates that procedures were followed appropriately in the selection of the community association as the third sector organisation to be allocated the lease for the former Dorset Library building, and that this process involved a number of Council officers from different departments. No evidence has been identified of any involvement of the former Mayor in that decision.</p> <p>- The lease between the Council and the community association stated the permitted usage is "community centre" but with other wording indicating that it would also be used as a place of worship. The wording has been interpreted as permitting any usage under the planning category D1 (which includes usage such as library, community centre, nursery or place of worship).</p> <p>- Once the application received from the community association had been assessed against the criteria set out in the Allocation Process and the community association had been selected as the winning applicant, then no further reference was made to the information contained in the application form. This creates a risk that an organisation can complete the application form with the information that they believe will 'score points' in the assessment process and then, having been awarded the lease, actually deliver something completely different.</p> | <p>(1) The Legal Department should review the wording of any template lease used for third sector organisations, to consider (i) if it is sufficiently specific with regards to the anticipated usage of the building and if it would be enforceable if an alternative use was made of the building; and (ii) how requirements for diversity and inclusivity can be built into the arrangements.</p> <p>(2) For the future allocation of properties to Third Sector organisations, the Council's Third Sector Team should consider the relevance of the application form once a lease has been agreed, and how delivery of the submitted proposal is monitored.</p> <p>(3) The existing lease between the Council and the community organisation in this allegation should be considered as part of the current Main Stream Grants review.</p> | <p>(1) This recommendation has been referred to the Divisional Director, Legal for consideration and to action</p> <p>(2) This recommendation has been referred to the Divisional Director, Property and Major Programmes for consideration and to action as part of the review of the Council's Community Asset Strategy</p> <p>(3) <b>No further action</b><br/>This already happens as quarterly monitoring reports relation to MSG looks at the lease arrangements between the Council and community organisations in receipt of such</p> |
| CU 004        | <b>Dorset Library closure and transfer</b><br>Allegation that the library was closed and then transferred without any consultation in 2011 or 2012, with the asset being put up for bid as a business concern and awarded to a community association with a five year contract to 2017. Allegation that upkeep on the property is paid for by local taxes, and that there has been investment, but that other local groups are excluded, and not invited to the AGM | 2012 and ongoing    | Rejected               | <p>- The lease does not include any obligation to provide access to the building to other community groups. The application submitted by the community association indicated that they would work with other local groups and there is evidence that this happened between at least 2012 and 2014.</p> <p>- Maintenance of the Dorset Library building is not currently being paid for by the Council. However, the community association did receive £14,918.61 from the Community Faith Buildings Support Scheme between 14 August 2013 and 18 March 2015. Currently the community association is receiving payments under two grant programmes which are for "Older People Lunch Club" and "Get Involved".</p>   |  |   |
| CU 005        | <b>Improper Council disposal of Calder's Wharf / Calder's Wharf Community Centre assets</b><br>Allegation that these community facilities were inappropriately disposed of by the Council.  | Pre-Clear Up Period | Out of Scope           | The matter raised in the allegation refers to decisions taken in advance of the Clear Up period (Oct 2010 – June 2016). Following a complaint to the Council by the complainant prior to the Clear Up Project being launched, this matter was also already being considered by the Council's Interim Monitoring Officer. It was therefore agreed with the complainant that this matter would not be considered by the Clear Up Project.   | No recommendations   | <b>No further action</b><br>This is a matter that the Monitoring Officer has been dealing with. Calder's Wharf was properly disposed of there is no evidence that has been provided which shows otherwise   |

| Case Ref. No. | Summary of Allegation   | Dates          | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board | Monitoring Officer Response  |
|---------------|---|----------------|------------------------|--|---|--|
| CU 006        | <p><b>Sale of Council Property - 31 Turner Street</b></p> <p>Allegation that the property was placed for sale and then removed from sale, despite bids being received offering the asking price, without proper Cabinet approvals, and that a friend of the former-Mayor was one of the bidders. Allegation that this issue has been covered up and not resolved.</p> | 2014           | Partially Upheld       | <p>The allegation correctly identified that there was a lack of proper Cabinet approvals in relation to the proposed disposal of this property. However, the issue has previously been investigated and responded to, procedures have changed, and there is no evidence that it has been covered up or left unresolved.</p> <ul style="list-style-type: none"> <li>- An independent investigation was undertaken by Mazars (an accountancy firm which provides Internal Audit services to the Council) in 2015 which appears to have had an appropriate scope, and which reached conclusions that were supported by the evidence identified. The recommendation proposed by Mazars has been completed.</li> <li>- Until 31 March 2017, procedures were in place that any decision to dispose of property required the approval of the Commissioners and strengthened procedures have been put in place enabling the handing back of control to the Council.</li> <li>- No evidence has been identified that there has been an attempt to conceal the results of Mazars' investigation from the Statutory Officers.</li> </ul>  | No recommendations  | <p><b>No further action</b></p> <p>This is a matter that was addressed prior to the complaint to the Clear-Up Team and the recommendation by Mazars was implemented</p>                                |
| CU 007        | <p><b>Sale of Passmore Edwards Library</b></p> <p>Allegation that (i) Limehouse Library was sold at less than market value; and (ii) that the use of Limehouse Library has changed from restaurant to student housing; and that these events have occurred as a result of corruption in the Council.</p>  | 2012           | Rejected               | <p>Whilst the background to the situation described in the allegation is supported by evidence identified, the substance of the allegation is rejected.</p> <ul style="list-style-type: none"> <li>- The former Limehouse Library building was independently valued prior to being marketed. The lease price paid was within the predicted range and was close to the top of the range. According to the PwC Best Value Inspection report, 12 bids were received, indicating that the process was competitive.</li> <li>- The Lease was agreed with the second highest bidder, on the basis of independent advice that the highest bidder was not credible and that there were significant concerns regarding the ability of the highest bidder to complete the transaction.</li> <li>- The Lease agreement permitted use of the property in accordance with any planning permission obtained, and did not specify any further limitations regarding what this use may be. Planning permission was obtained by the Lessee in 2014 to convert and extend the property for use as student accommodation. The only potential link between the property and a restaurant is that the Lessee is registered at Companies House as trading as "Licensed Restaurants". However, there is no indication within either the Lease or the Planning Applications that there was an intention to use the former Limehouse Library building as a restaurant.</li> </ul> | No recommendations  | <p><b>No further action</b></p> <p>The Summary of Findings is accepted</p>   |
| CU 008        | <p><b>Council housing fraud</b></p> <p>Allegation that a property in the Borough was gained through a family member's links to the Council.</p>   | No dates given | Out of Scope           | <p>Although the property's address was provided, no dates were given by the complainant. The complainant stated that no further information would be provided. The Clear Up Board agreed that this matter would be best taken forward by the Council's social housing fraud team and as a result it was referred to the team by the Clear Up Project Manager. The complainant was informed</p>   | No recommendations  | <p>This is a matter being investigated by the Council's Risk Management and Continuity Planning Team and will be reviewed by the Monitoring Officer once the outcome of the investigation is known</p> |

| Case Ref. No. | Summary of Allegation   | Dates     | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response   |
|---------------|---|-----------|------------------------|--|--|---|
| CU 009        | <p><b>Cover up' or failure to investigate alleged grant fraud by a local Mosque</b><br/>                     Allegation that a referral to the Council's Corporate Investigations Team (with the Risk &amp; Audit Service) alleging misuse of lunch club grants by a Mosque, which was also linked to Council officers, was suppressed or not followed up.<br/>                     Allegation that findings in the referral were leaked to the Mosque by a Council officer which resulted in threats being made</p>  | 2015-2016 | Partially Upheld       | <p>There is no evidence to suggest that any investigation into the Mosque was deliberately suppressed, and indeed, there was evidence to show that one issue arising in the original referral had been dealt with.</p> <p>However, the poor case management practices evidenced have led to either (i) allegations not being investigated or (ii) the allegations may have been considered and rejected but no rationale for this decision has been recorded. In the absence of records or detailed recollections from the Council's Risk &amp; Audit Service, it has not been possible to prove that the original fraud referral was adequately investigated.</p> <p>It is understood that the Mosque is no longer provided with funding by the Council and that individuals who made, or were the subject of outstanding allegations contained within the original referral, no longer work for the Council.</p>   | <p>(1) The Corporate Investigation Team to re-examine the allegations contained within the original referral in relation to the Mosque, in order to consider whether any retrospective investigation is required to satisfy the Council that public funds have not been misused.</p> <p>(2) Head of Risk &amp; Audit to facilitate a full review of corporate investigation case management systems, investigative policy and process to ensure:<br/>                     - All cases are properly tracked, managed and supervised from initial logging to conclusion, to include any transfers of cases to investigators and the provision of regular updates by investigators on progress. Rationales for decisions and case closures to be fully documented.<br/>                     - That all cases allocated for investigation are only closed with the provision of a Final Investigation Report to evidence that a proper investigation has taken place, even if there are no adverse findings<br/>                     - Evidence and case documents, where possible, are recorded and organised in electronic formats within a secured shared drive, with paper records held if required for evidential purposes.</p> <p>(3) The specific issues detailed within the recommendations should also be tested at least annually through the standard independent auditing or assurance processes</p>   | These recommendations have been referred to the Corporate Director, Resources for consideration and to action |
| CU 010        | <p><b>'Cover up' of an investigation report into a local community organisation</b><br/>                     Allegation that an investigation report into grant funding for a local community organisation was not acted upon or covered up in the case of potential fraud involving officers.</p>  | 42248     | Rejected               | <p>No evidence was found to substantiate the allegation.</p> <p>Investigations into this organisation were undertaken in 2015 and concluded that there was no evidence to substantiate concerns relating to misuse of grants</p>   | No recommendations   | <p><b>No further action</b><br/>                     The Summary of Findings is accepted</p>                  |
| CU 011        | <p><b>'Cover up' of findings relating to a local community organisation in receipt of lunch club grants</b><br/>                     Allegation that an Internal Audit Report issued in 2015, which raised concerns about misuse of grants awarded to the community organisation was covered up or not acted upon.<br/>                     The report was said to contain findings relating to the misuse of grants and threats made by Council officers to Grants officers, as well as poor conduct by a Member allegedly influencing the grants process.</p> | 2015      | Partially Upheld       | <p>No evidence was found to substantiate the allegation that the Investigation Report was suppressed or covered up.</p> <p>However, it was found that some recommendations in the report had been acted upon or considered through informal interviews, there was limited audit trail or physical evidence to show this in the Councils' case management systems or case files.</p> <p>It was also found that there was no immediate evidence that a serious allegation of potentially corrupt and threatening behaviour by a Council officer mentioned in the report, was considered or acted upon and the Council's Risk and Audit Service have been unable to confirm their actions in this regard to date. The case file for the community organisation had been closed down on the case management system on the basis of an assumption that a report had been issued but without confirmation.</p> <p>There were no clear Investigation Policy or Process documents in place to assist the Clear Up Team with ascertaining what records or audit trails should be retained and how report recommendations are followed up.</p> | <p>(1) The Corporate Investigation Team to re-examine the original investigation report, in order to ensure that any issues that require investigation or action are followed up.</p> <p>(2) Officers responsible for the writing and review of Investigation Reports to ensure:<br/>                     - That all investigation reports are scrutinised to ensure matters relating to poor conduct, bribery or corruption are included in recommendations and taken forward; or<br/>                     - That there are notes on file to evidence that such matters have been considered and discounted, with clear rationale for the decision made</p> <p>(3) Head of Risk &amp; Audit to facilitate a full review of corporate investigation and Internal Audit case management systems, investigations policies and processes to ensure:<br/>                     - All cases are recorded on a suitable case management system from initial referral to conclusion, ensuring that all key decisions made with rationale are clearly noted.<br/>                     - That there is a robust tracking process following the publication of any investigation / audit report, to ensure that formal recommendations have been considered appropriately and either: (i) completed satisfactorily; or (ii) discounted with an appropriate risk based approach. Heads of Service should be clear on timescales required to formally respond to confirm that actions have been completed within this process</p> | These recommendations have been referred to the Corporate Director, Resources for consideration and to action |

| Case Ref. No. | Summary of Allegation   | Dates                  | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response   |
|---------------|---|------------------------|------------------------|--|---|---|
| CU 012        | <b>'Cover up' of findings relating to a local youth club</b><br>Allegation that an audit into this local youth club receiving Council funds was covered up or suppressed in some way.   | Oct/Nov 2015           | Partially Upheld       | No evidence was found to suggest that the recommendations within the Additional Findings Report (AFR) on the youth club dated November 2015 were covered up. However there is partial merit to the allegation that the report was not acted upon.<br><br>It was found that the findings outlined in the report were considered at the appropriate level and remedial actions were proposed; however there was inadequate documented follow up or reporting back to ensure completion of these actions, some of which were not completed, or completed in full  | Head of Risk & Audit to ensure that there is a robust tracking process following the publication of any investigation / audit report, to ensure that formal recommendations have been considered appropriately and either: (i) completed satisfactorily; or (ii) discounted with an appropriate risk based approach. Heads of Service should be clear on timescales required to formally respond to confirm that actions have been completed within this process  | These recommendations have been referred to the Corporate Director, Resources for consideration and to action   |
| CU 013        | <b>'Cover up' of investigation report into a local organisation that received Council grants</b><br>Allegation that concerns with a local organisation were raised but were covered up/not acted upon. The concerns surrounded misuse of grants and untoward involvement by a Member, as well as an allegation of extremist material being found on the organisation's Facebook PAGE. | 2015                   | Partially Upheld       | There was no evidence found to suggest that any formal referrals stating concerns against the organisation were made to the Council's Risk & Audit Service. However, there was a case to suggest that the allegations made in relation to the actions of a Member connected to the organisation should have been considered further and reported to the Monitoring Officer as a potential breach of the Code of Conduct for Members Section 3.2 (e). In any case, it would have been prudent for the Risk & Audit Service to formally record this allegation and the rationale for not taking the matter forward. As it stands, this matter was not acted upon.<br><br>During the course of the Investigation, when reviewing alleged links between the organisation and Members, it became apparent that there were potential anomalies in the Register of Interests for the Member. Upon closer inspection, there are three organisations/companies where this individual may have had pecuniary interests, which were seemingly not declared. This could be considered a potential breach of Code of Conduct for Members, section 8.1.<br><br>Under the "Other Interests - Charities" section of the Register of Interests for the Member, an organisation is listed. Within this organisation's Facebook pages an image was found posted in 2015 of a letter using Tower Hamlets headed paper, allegedly from Mayor John Biggs supporting the organisation. Spelling and grammatical mistakes on the letter indicate that the letter was forged or counterfeit | (1) The Head of Risk & Audit should consider, within the corporate investigation case management processes, that all allegations of wrongdoing or impropriety by officers or Members should be formally recorded, with the rationale for any issues not being investigated (or those considered under the remit of different teams) being clearly stated in records.<br><br>(2) The Head of Risk & Audit should consider ensuring referral and investigative processes explicitly direct that all allegations against Members regarding impropriety or exerting undue influence should additionally be reported to the Monitoring Officer as per Council procedures.<br><br>(3) The Clear Up Team has notified the Monitoring Officer of the potential breach of the Code of Conduct relating to a Member's pecuniary interests that may not have been declared to the Council.<br><br>(4) The Monitoring Officer should raise with the Member and take any action that is required in relation to the issue that they attempted to influence an audit.<br><br>(5) Legal Services to consider whether it is appropriate to make contact with the organisation to request the removal of an image posted on Facebook showing a seemingly forged or counterfeit letter of support from Mayor John Biggs | (1) This recommendation has been referred to the Corporate Director, Resources for consideration and to action<br><br>(2) This recommendation has been referred to the Corporate Director, Resources for consideration and to action<br><br>(3) The Monitoring Officer has advised the Member that the matter is being considered under the arrangements for dealing with complaints of breach of the Code of Conduct for Members<br><br>(4) The Monitoring Officer has advised the Member that the matter is being considered under the arrangements for dealing with complaints of breach of the Code of Conduct for Members<br><br>(5) This recommendation has been referred to the Divisional Director, Legal for consideration and to action |
| CU 014        | <b>Irregularity of governance and misuse of public funds concerning a local community association</b><br>Allegation of ongoing irregularity in governance and misuse of public (Council) funds by individuals connected with the organisation.  | During Clear Up Period | Ongoing                | Following initial investigation by the Clear Up Team, this matter was referred to the Council for further investigation due to potentially criminal findings.  | Referred to Council Monitoring Officer and Head of Risk & Audit following agreement by the Clear Up Board   | This is a matter being investigated by the Council's Risk Management and Continuity Planning Team and will be reviewed by the Monitoring Officer once the outcome of the investigation is known   |

| Case Ref. No. | Summary of Allegation  | Dates       | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response  |
|---------------|--|-------------|------------------------|--|--|--|
| CU 015        | <b>Suppression of an investigation following collective grievance concerning a former Head of Service</b><br>Allegation that an Investigation Report issued in September 2014 as the result of a collective grievance against a then Head of Service, was suppressed at the former Mayor's request. Allegation that a further investigation was deliberately commissioned as part of this cover up, which produced different conclusions. In the meantime, the Head of Service had left the Council through Voluntary Early Retirement. A subsequent review of the Service by Mazars awarded "Nil Assurance" | 2014/15     | Rejected               | The allegations are rejected, on the basis that (i) no evidence was found to indicate that the original investigation report was suppressed; (ii) the correct process was used to investigate the Head of Service throughout, with appropriate engagement with HR, Legal and the Corporate Director; and (iii) the Head of Service left the employment of the Council under standard severance terms under the voluntary redundancy procedure.<br><br>It was found that the process for undertaking investigations into harassment, grievance and disciplinary investigations was inefficient at the time of events and led to the Head of Service being suspended for a very long period. It is noted that some of the findings highlighted in this report will be mitigated in the future by work being carried out within the Council's One HR (improvement) programme. The recommendations should be considered together with this initiative. | (1) The Council's HR Division to review the investigation process for Grievance; Combatting Harassment and Discrimination (CHAD) and Disciplinary issues with a view to ensuring members of staff are only investigated once for the same issue, with outcomes settled (not including appeals) after the first investigation. The current system whereby Grievance / CHAD investigations then lead to disciplinary investigations could be considered inefficient, wasteful of resources and public money, together with being a potential strain on all involved.<br>(2) Consider whether it would be more efficient to centralise investigations under an appropriate Directorate where there are allegations of a complex nature or serious misconduct, to ensure independence, faster turnaround of cases, and the utilisation of investigative specialist expertise. The current system leads to delays in concluding matters as Investigation Officers for HR matters still have to fulfil their normal role objectives and, in many cases, do not have professional investigative expertise.<br>(3) It is recommended that when an officer leaves Council employment whilst under investigation, a final investigation report is still completed and submitted to the appropriate Service Head / Director and HR, to ensure completeness of records and in anticipation of any future legal challenge to outcomes.<br>(4) HR processes and guidance on the suspension of employees should be reviewed, to ensure that suspension periods are as short as possible | These recommendations have been referred to the Divisional Director, HR and Transformation for consideration and to action as part of the Council's One HR (improvement) programme |
| CU 016        | <b>Behaviour of the committee of a local Mosque</b><br>Allegation concerning the behaviour of the committee of a local Mosque in relation to a planning application and other matters.   | Summer 2016 | Rejected               | This organisation has recently been investigated by the Council's Risk & Audit team following concerns raised by a Member.<br><br>The previous investigation report, a briefing note on this provided to the Chief Executive and also previous investigation findings by PwC in the 2014 Best Value Inspection have been considered, and it is concluded that sufficient work has been conducted to address any concerns   | No recommendations   | <b>No further action</b><br>The Summary of Findings is accepted  |
| CU 017        | <b>Former Mayor's communications advisors</b><br>Allegation that the former Mayor employed communications advisors and that (i) there appears to be limited evidence available regarding what services they delivered for the payments made; and (ii) the payments ended suddenly when the Commissioners were appointed.   | 2010-2015   | Upheld                 | The Clear Up Team found that previous investigations into this matter undertaken by PwC, as set out in the Best Value Inspection report, concluded that the appointment and monitoring of the Mayor's media advisors had failed to comply with best value duty. Other evidence published by a local blog also appears to indicate that best value may not have been achieved. However, PwC did identify evidence that the required procurement procedures had mostly been followed, and that invoices and timesheets had received approval. These findings would suggest that although the existing controls were mostly being followed, they were not effective in achieving best value.  | Consideration should be given by the Council as to whether any improvements are required to increase the effectiveness of current controls in respect of Mayoral advisors, in particular considering:<br>- Whether clear measurement of expected outputs is defined when a contract for an advisor is agreed, which is measured through KPIs or deliverables as opposed to the number of days to be invoiced; and<br>- Activity undertaken by advisors to the Mayor (for media or any other services) is clearly defined and recorded, in order to demonstrate that it does not include any party political activity   | These recommendations have been referred to the Divisional Director, HR and Transformation for consideration and to action as part of the Council's One HR (improvement) programme |



| Case Ref. No. | Summary of Allegation   | Dates         | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response   |
|---------------|---|---------------|------------------------|--|---|---|
| CU 018        | <p><b>Fraudulent Payment</b><br/>Allegation that a payment was made by the Council to a local organisation with no goods or services provided to the Council in return. The organisation then made a payment of the amount less £1,000 to a different organisation and retained the £1,000 as a payment for having completed the transactions. Allegation that this series of payments happened twice</p> | March 2012    | Partially Upheld       | <p>The Clear Up Team found one instance of a payment of £6,000 was made by the Council to a local organisation in March 2012 with no goods or services provided to the Council in return, with the intention of channelling funds to another organisation, and that £1,000 of this payment was retained by the first organisation.</p> <p>No evidence has been identified to indicate that any similar payment was made by the Council to the organisation on a second occasion. As a consequence, this element of the allegation is rejected.</p> <p>The Clear Up Project Board decided that this matter will not be reported to the Police as (i) it was not clear that the payment was criminal in nature (2) the offence took place over five years ago when the Council's culture for raising concerns / whistle-blowing was very different, (3) the officer admitted everything when asked and cooperated fully with the Clear Up Project, (4) the officer had been placed under pressure from multiple individuals to make the payment, including their line manager who is no longer in post, (5) the whistle-blowing arrangements in the Council at the time had been insufficient and were not trusted by officers, (6) the officer had refused to carry out a similar payment a second time, and (7) the officer did not personally gain in any way from the transaction.</p> <p>The Board also agreed that as (i) the payment had been made over five years ago; and (ii) there is limited information about the nature of the payment; it would not be proportionate for the Council to attempt to recover it.</p> <p>The Clear Up Team was also able to establish that this organisation is not currently in receipt of any Council funds.</p> | <p>(1) Disciplinary action - meeting to take place between the officer and their Senior Manager, with a letter to be sent to the individual, thanking the officer for cooperating but also making it clear that their actions were a very serious matter and should not be repeated.</p> <p>(2) Any recommendations resulting from the current review of whistle-blowing procedures currently being undertaken by Grant Thornton should be acted upon as soon as possible, to assist with increasing the confidence of officers in raising concerns when they feel that they are being placed under undue pressure</p>  | <p>(1) This has happened</p> <p>(2) This will be for the Monitoring Officer once Grant Thornton report their findings and recommendations</p>   |
| CU 019        | <p><b>Excessive payment to a Council supplier</b><br/>Allegation that excessive payments were made to a catering company in early 2014 and in April 2015 for a quantity and value of food that was not provided to the Council</p>  | 2014 and 2015 | Partially Upheld       | <p>The allegation is unsubstantiated on the basis that it is not possible to determine the quantity or quality of food that was delivered to the Council by the catering company at events held several years ago. However, Financial Procedures appear to have been breached by both the officer at the centre of this allegation and by a Member. The officer continued to breach Financial Procedures in 2014 and 2015, despite having been reminded on at least three previous occasions about the relevant requirements</p>   | <p>(1) Disciplinary action – meeting to take place between the officer who has repeatedly breached the Financial Procedures and their Senior Manager with possible further action.</p> <p>(2) The Constitutional Working Party should consider whether any additional wording is required within the Member / Officer Protocol to specify that Members are not permitted to order goods from suppliers on behalf of the Council.</p> <p>(3) Referral to the Monitoring Officer the issue of a Member purchasing goods from a Council budget without prior approval.</p> <p>(4) The Resources Directorate to undertake a check to confirm that the instructions contained on the Support Services Request Form regarding the number of quotes required at different thresholds are consistent with current Financial Procedures.</p> <p>(5) Corporate Director of Resources to consider whether any further checks or controls may be required in order to identify and challenge supplier invoices which are lacking sufficient information</p> | <p>(1) This matter has been referred to the appropriate Divisional Director</p> <p>(2) The Monitoring Officer has reviewed the Member/ Officer Protocol and a revised Member/ Officer Relations' Protocol has been prepared and will be presented to a future Constitutional Working Party for consideration</p> <p>(3) The Monitoring Officer has advised the Member that the matter is being considered under the arrangements for dealing with complaints of breach of the Code of Conduct for Members</p> <p>(4) This recommendation has been referred to the Corporate Director, Resources for consideration and to action</p> <p>(5) This recommendation has been referred to the Corporate Director, Resources for consideration and to action</p> |

| Case Ref. No. | Summary of Allegation  | Dates                  | Clear Up Team Response | Summary of Findings   | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response  |
|---------------|--|------------------------|------------------------|---|---|--|
| CU 020        | <b>Use of Community Centres for Ward surgeries</b><br>Allegation that Ward surgeries held by a Member did not take place, and/or that excessive amounts were being charged.  | During Clear Up period | Out of Scope           | The Clear Up Team found that this allegation has already been investigated by the Council's Head of Members' Support, concluding in April 2016. The investigation established that the Member typically held two hour surgeries, whereas other Members held one hour surgeries, accounting for the higher spend. No evidence was found to support the allegation that payments were charged for surgeries which did not take place. The Member was subsequently advised to hold one hour surgeries, in line with other Members.<br><br>The investigation recommended a new process, invoicing system, checks and a cap on the maximum contribution per Member to provide better value for money and consistency in booking venues through the Member Support Team for all Members.  | Proposed new process for booking Ward surgeries to be implemented as soon as possible.<br><br><b>NOTE – the Council confirmed that the new policy and process was effective from 3 March 2017</b>   | <b>No further action</b><br>As noted in the recommendations, the new policy and process is now effective                   |
| CU 021        | <b>Purchase Card Fraud</b><br>Allegation that the system of checks and balances for Council issued credit card/purchase cards is weak and open to fraud.   | No specific dates      | Upheld                 | Work was already underway within the Council through the Internal Audit Team to audit the systems and processes for Purchase Cards and to address any control issues.<br><br>The Clear Up Board reviewed the findings at the Clear Up Board Meeting on 14 March 2017. The Board heard that audit work had been completed with a focus on the Youth Service in 2013/14 and 2014/15 and that this had revealed four main weaknesses in (1) the issuing of cards, (2) how cards are used, (3) monitoring arrangements and (4) payments processes. The audits found an improvement in terms of the number and materiality of issues arising from 2013/14 and 2014/15. The Board noted that recommendations had been made and work was underway to improve systems and processes.<br><br>The Clear Up Board also welcomed the organisation-wide audit of purchase cards that commenced in March 2017.  | Internal Audit should seek to complete the Council-wide audit of purchase cards as quickly as possible, agree recommendations arising from the findings, and implement the action plan Council-wide.  | The outcome of the organisation-wide audit of purchase cards that commenced in March 2017 is awaited                       |
| CU 022        | <b>Disclosure and Barring Service (DBS) Checks and Referral Processes</b><br>Allegation that Council systems for DBS checks have been historically weak and that these weaknesses persist.<br>Allegation that the Council does not refer dismissed individuals to the DBS. | No specific dates      | Upheld                 | Work was already underway within the Council through the Internal Audit Team to consider the Council's control and monitoring of DBS checks.<br><br>The Clear Up Board reviewed the findings at the Clear Up Board Meeting on 14 March 2017. The Board heard that the audit work had completed in January 2017 and that only a Limited Assurance opinion had been reported. In particular, the audit found that:<br>- there were some inconsistencies in the Council's database of all posts requiring DBS checks<br>- there have been cases of long delays in carrying out risk assessments when the Council is notified of a disclosure<br>- the processes and controls for undertaking, recording and approving risk assessments by Council officers and notifying the results to HR promptly need to be improved and strengthened, and the quality of risk assessments require improvement and appropriate checks need to be carried out by HR<br><br>The Council's HR Division also reported to the Clear Up Board to confirm that the Council makes referrals to the DBS and professional bodies when it is appropriate to do so e.g. when the Council believes a person has caused harm or poses a future risk of harm to vulnerable groups. The Council's DBS procedures have been updated recently and were due to be approved by the Council's Corporate Safeguarding Board in March 2017 | (1) The Council should ensure that the weaknesses identified in the audit work on DBS are addressed as soon as possible, with progress to be reported to the new Council Improvement Board.<br><br>(2) The new DBS procedures should be implemented as soon as possible | These recommendations have been referred to the Divisional Director, HR and Transformation for consideration and to action |



| Case Ref. No. | Summary of Allegation   | Dates                         | Clear Up Team Response | Summary of Findings   | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response   |
|---------------|---|-------------------------------|------------------------|---|--|---|
| CU 023        | <p><b>Youth Service Summer Programme 2016</b><br/>                     Allegation that in relation to the Summer Youth Programme 2016 ("SYP16"):</p> <ul style="list-style-type: none"> <li>(i) procurement procedures were not followed for the Evaluation Panel decision;</li> <li>(ii) providers delivering the programme were not monitored effectively; and</li> <li>(iii) providers did not deliver what they were paid for.</li> </ul> | <p><b>May-August 2016</b></p> | <p><b>Upheld</b></p>   | <p>The Clear Up Team found that:</p> <p>The Council's Procurement Procedures (issued 1 January 2016) do not provide any guidance regarding how Evaluation Panels should be formed or conducted, including the number of evaluators or how independence is maintained.</p> <p>There is currently no formal way in which knowledge of the previous performance of potential suppliers of Youth Services is considered within the procurement process. Attempts to introduce the consideration of prior knowledge into the procurement process by the evaluators during the Evaluation Panel resulted in misunderstandings between the evaluators and a delay to the procurement outcome being finalised.</p> <p>A scoring threshold was introduced by the Evaluation Panel which had not been specified in the Invitation To Tender ("ITT"), and there was no rationale for the level at which it was set.</p> <p>The individual scores included in the evaluation matrix for the SYP16 provided to the Procurement Team, which were purported to be the outcome of the Evaluation Panel had been fabricated by one of evaluators in order to make the total percentage score for each applicant (nearly) match the total percentage score for each applicant that had previously been incorrectly calculated. The providers selected to be awarded the contract would have been different if correct procurement procedures had been followed.</p> <p>The Interim Service Head signed the evaluation outcome on the basis of the total percentages, which she believed to have been correct, but did not review the scores entered into each tab in the evaluation matrix.</p> <p>The scoring methodology in the standard template evaluation matrix can result in preference being given to low quality at a low cost over a better quality at a higher cost, which may not necessarily result in best value being achieved. The consideration of pricing for the SYP16 was only at the level of the total cost and did not consider how that funding would be used, for example, the split between salaries, building rental, and directly on activities for young people.</p> <p>The Procurement Team accepted the explanation provided by one evaluator regarding why another evaluator had not signed the evaluation outcome, without confirming the explanation directly with the evaluator who had not signed. There is a risk that the true reasons for the lack of a signature could have been misrepresented.</p> <p>Monitoring of delivery of the SYP16 was ineffective, mainly as a consequence of the programme only running for one month and this being considered as insufficient time to allow unsatisfactory providers to demonstrate improvements. A draft report (which has not been finalised) was issued a month after the SYP16 had ended, saying that one of the providers should be terminated until issues were resolved.</p> <p>There is no Council policy that sets out how and when monitoring visits should be conducted, and what actions within what timescale should be taken in response to any identified unsatisfactory provision.</p> | <p>(1) Procurement Procedures should be revised to include procedures relating to:</p> <ul style="list-style-type: none"> <li>a) how many individuals should form an Evaluation Panel;</li> <li>b) how the individuals to form an Evaluation Panel should be selected;</li> <li>c) how the Evaluation Panel should conduct the scoring session;</li> <li>d) whether, and for how long, individual notes of scoring should be retained;</li> <li>(e) and what should happen in instances where there is a disagreement between Evaluation Panel members, including that Procurement should independently verify this with the evaluators and not rely upon statements made by one evaluator on behalf of other evaluators</li> </ul> <p>(2) The Procurement Initiation Form should be revised to include consideration of:</p> <ul style="list-style-type: none"> <li>a) whether or not a threshold is required;</li> <li>b) and whether any existing knowledge regarding potential bidders is to be taken into consideration.</li> </ul> <p>(3) The Procurement Team should review a sample of recent evaluation matrices and consider whether the relative weighting between price and quality is achieving results that represent best value. Guidance should then be provided by Procurement as to what an appropriate balance of weighting between price and quality should be.</p> <p>(4) For future evaluations, Evaluation Panel members should be reminded that they can only score applications against the criteria that were set out in the ITT, and are only permitted to consider the information provided to them and not any other knowledge they may have. Evaluation Panels should not proceed if required information is missing from applicants, to allow that information to be provided and then be considered for all applicants within the evaluation scoring.</p> <p>(5) The Youth Services Team should document a procedure for the monitoring of the provision of Youth Services by external providers, including when monitoring visits should be conducted, how frequently they should be repeated, what actions within what timescale should be taken in response to any identified unsatisfactory provision, and how and to whom the findings should be reported. Preparation of this documented procedure should take into consideration existing practices for monitoring in other departments of the Council in order to learn from any effective monitoring practices already in place.</p> <p>(6) The Corporate Director for Children's Services should be requested to consider the oversight of outcomes from Youth Service activity and how value for money is being measured and monitored.</p> | <p>(1) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(2) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(3) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(4) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(5) This recommendation has been referred to the Corporate Director, Children's for consideration and to action</p> <p>(6) This recommendation has been referred to the Corporate Director, Children's for consideration and to action</p> |

| Case Ref. No. | Summary of Allegation   | Dates                | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response   |
|---------------|---|----------------------|------------------------|--|---|---|
|               |   |                      |                        | <p>No report to record challenges encountered or lessons learned was written at the end of the SYP16. The report that was prepared was based upon information received by the Council from the providers, and was only shared between the Youth Service Development Manager and the Interim Service Head.</p> <p>No analysis was undertaken to consider value for money, or to assess whether or not the providers had delivered what they had proposed in their applications.</p> <p>Contracts between the Council and two of the providers were executed more than half way through the SYP16, and with a third provider after the SYP16 had ended. A contract between the Council and the fourth provider cannot be located. No entries were made in the Council's risk register in relation to the lack of signed contracts by the Corporate Director and there appears to have been no authorisation for the commencement of services in advance of a signed contract.</p>  | <p>(7) The Legal Department should consider the communication processes between the Legal Team and the relevant Council delivery team to ensure that there is clarity regarding when all executed contracts have been received and delivery can commence or, if delivery is commenced in the absence of a signed contract, for the delivery team to correctly follow the procedures to obtain approval and record the decision on the Council's risk registers.</p> <p>(8) Internal Audit is requested to undertake a review of the next procurement process involving Evaluators 1 and 2, in order to gain assurance that lessons have been learned and the same issues are not continuing to be repeated.</p> <p>(9) Internal Audit is requested to undertake a review on a sample basis of Evaluation Panel scoring, covering both larger and smaller procurements, to consider (i) if there is an independent element to the formation of the Evaluation Panel; and (ii) if the scores allocated appear reasonable when considering the applications submitted e.g. lower scores where responses are absent or very brief.</p> <p>(10) Internal Audit is requested to undertake a review on a sample basis to consider in relation to providers selected through Evaluation Panels: (i) the date on which a contract was executed with the selected provider(s); and (ii) the date on which the provision of services commenced. In instances where the provision of services has commenced prior to the Council entering into a contract, then it should be tested whether this was correctly notified to the Head of Corporate Procurement and the Monitoring Officer and included on a risk register.</p> <p>(11) The Chief Executive is to speak with the Corporate Director regarding oversight of the team, and to consider whether it is appropriate and proportionate to take any action in relation to two of the evaluators, including the provision of further training regarding procurement procedures or any disciplinary action.</p> | <p>(7) This recommendation has been referred to the Divisional Director, Legal for consideration and to action</p> <p>(8) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(9) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(10) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(11) This recommendation has been referred to the Chief Executive for consideration and to action</p> <p><b>As this recommendation is stand-alone to the remaining ten, it is considered appropriate to give a response at this time due to the nature of the recommendation. The Chief Executive has reviewed and spoken to the Corporate Director. Further evidence concerning the conduct and context of this procurement has been considered. He considers that it is neither appropriate nor proportionate to take any disciplinary action in relation to two of the evaluators. There are lessons to be learnt and which can be addressed in the ten recommendations above looking at procedures and processes.</b></p> |
| CU 024        | <p><b>Weakness in Council's timesheets for overtime and zero hours contracts</b></p> <p>Allegation that officers routinely claim for work they have not done, especially when they are working across two service areas as there is no way for managers to check on one system whether they are claiming twice.</p> <p>Allegation of weaknesses in checks and balances, and potential fraud involving managers. Allegation focussed on Youth Service but extended to the whole Council.</p> | Historic and ongoing | Partially Upheld       | <p>The Clear Up team considered two concerns:</p> <p>1) That there were/is no transparency and no systems in place to identify part-time and zero hour contract staff claiming for hours on timesheets which they did not work</p> <ul style="list-style-type: none"> <li>- The Clear Up Team found that this has already been addressed by the Council, and measures and controls have been put in place within the Youth Service since November 2015 to address this matter.</li> <li>- Since November 2015 there have been no over-time and no zero hour contracts in the Youth Service.</li> <li>- A sample test of the revised timesheets from April 2016 to January 2017 confirmed implementation of the current controls and systems and concluded they are sound.</li> </ul> <p>2) That there were/are no systems and controls in place to identify claims for overlapping hours where an individual works across two services for two different managers (Council-wide matter)</p> <ul style="list-style-type: none"> <li>- The Clear Up team found that no systems and controls have been put in place to date to address this.</li> </ul> | <p>Controls and systems should be devised as soon as possible to prevent and identify staff recording overlapping hours on timesheets; once devised these are implemented immediately – Council wide</p>  | <p>This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p>  |

| Case Ref. No. | Summary of Allegation   | Dates                  | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response  |
|---------------|---|------------------------|------------------------|--|--|--|
| CU 025        | <p><b>Allegation concerning Youth Service Officers</b></p> <p>Allegation that (1) a Youth Service officer has failed to declare an interest with a youth club and that (2) another former officer who was dismissed from the Council works with this organisation.</p> <p>Allegation that (3) a Youth Service officer was recruited into the Council without a proper DBS check, and that this individual may have changed their name by deed poll in advance of joining to cover up past issues that may have prevented them being employed.</p> <p>Allegation (4) of officers failing to declare interests in a local youth club [no names supplied]. Suggestion (5) of wider problems in the Youth Service and potentially across the Council overall in declarations of interest and DBS checks and referrals</p> | No dates supplied      | Partially Upheld       | <p>The complainant disengaged from the Clear Up process meaning no further information or evidence was available; however, the Clear Up Team considered the allegations based upon the information provided and found them to be partially substantiated.</p> <p>Referrals were made to the parts of the Council best placed to deal with future action in relation to each matter raised.</p> <p>It should be noted that some of the allegations relate to activities after the Clear Up period (October 2010 – June 2016).</p> <p>(1) Based on the information provided, the Clear Up Team was unable to establish whether there has been a failure to declare an interest by this officer. The details were referred to the Risk and Audit Service that is currently undertaking detailed audit work on officer declarations of interests.</p> <p>(2) An Employment Tribunal is ongoing in the case of this dismissed officer. The Clear Up Team was unable to establish whether this former officer is currently employed by the youth club. Agreed that once the result of the Employment Tribunal is known the officer to be referred to the Head of the Integrated Youth Service, Head of Risk and Audit and HR team to confirm whether a DBS referral is required, and to establish whether this officer is employed at the youth club in any capacity. If it is discovered that the individual is an employee of the youth club, Youth Service and Legal to agree whether this is in breach of the contract between the Council and the youth club.</p> <p>(3) The Clear Up Team has not been able to confirm whether the officer changed their name by deed poll to secure a role in the Council and cover up a past issue that would have prevented them securing a role, but notes that previous names are covered by DBS checks. An issue with the officer's DBS check has been highlighted, and this matter has been referred to HR for follow up.</p> <p>(4) Without names from the complainant it was not possible for the Clear Up team to establish whether any Youth Service officers have failed to declare interests with this organisation. It was noted that the secretary of the youth club has an identical name to a Council youth service officer and so this matter was referred to the Risk and Audit Team to consider.</p> <p>(5) In relation to the complaint's suggestion of wider problems in the Youth Service and potentially across the Council overall in declarations of interest and DBS checks and referrals, as no further evidence has been received this matter cannot be considered by the Clear Up project.</p> <p><b>See also findings of CU022 relating to DBS matters.</b></p> | <p>(1) Relevant Council teams/officers to look into the specific matters identified in more detail following the referral by the Clear Up Team.</p> <p>(2) In light of the learning from the scoping of this allegation, the Clear Up Team considers it critical that the Council fully accepts the recommendations of the Internal Audit work on declarations of interests and DBS checks and referrals, and implements the findings from this work as soon as possible. Progress on DBS checks and referrals, and on declarations of interest, should report to the new Council Improvement Board (see also allegation CU022).</p> <p>(3) In light of a number of matters relating to Member interests being uncovered by the Clear Up Team during the course of the Clear Up Project, Internal Audit is requested to undertake an audit of Member declarations of interests alongside the continuing work on officer declarations</p> | <p>(1) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(2) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(3) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> |
| CU 026        | <p><b>Drug and Alcohol Team funded organisations</b></p> <p>Allegation that there were widespread problems in the Drug and Alcohol Team including organisations receiving sums of money from the Council without proper checks to ensure outcomes were delivered, problems with Disclosure and Barring Service checks and failure of officers to make declarations of interests.</p>  | During Clear Up period | Rejected               | <p>The complainant disengaged from the Clear Up process and was unwilling to provide more specific information or evidence in support of these allegations. As this allegation is vague and there were no specific matters that could be investigated further without further input from the complainant, no action was taken.</p> <p><b>See also findings of CU022 relating to the Council's DBS processes and CU025 relating to Declarations of Interest matters.</b></p>  | No recommendations   | <p><b>No further action</b></p> <p>The Summary of Findings is accepted</p>   |

| Case Ref. No. | Summary of Allegation   | Dates                  | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response   |
|---------------|---|------------------------|------------------------|--|---|---|
| CU 027        | <p><b>Weaknesses in HR services</b> General allegation of past and present weaknesses across the Council's HR services, including:</p> <ul style="list-style-type: none"> <li>- HR policies and inconsistencies in how these are applied;</li> <li>- How CHAD (combatting harassment and discrimination) and grievances are investigated; frustration of disciplinary investigations within HR and leakage of information; and</li> <li>- Inappropriate pay-offs</li> </ul> | During Clear Up period | Upheld                 | <p>The allegation was not specific, and referenced more general weaknesses.</p> <p>Clear Up Team found that work was already underway within the Council through the One HR Project to address weaknesses and deliver improvements to HR services.</p> <p>The Clear Up Board reviewed progress at the Clear Up Board Meeting on 8 March 2017. The Board heard that the Council's HR Policies &amp; Practice workstream within the One HR Project is focussing on improvements to a range of HR policies including disciplinary, grievance HR policies including to disciplinary procedures, grievances/ complaints of harassment and discrimination, and sickness absence, and also including a review of the role of investigating officers in HR cases.</p> <p>On settlements, the Interim Divisional Director HR and Transformation reported to the Clear Up Board on 8 March 2017 to confirm that, in addition to voluntary redundancy, settlement agreements are sometimes used by the Council, and that where these are used they require a business case justifying the need for an exit and the approval of the Monitoring Officer</p> | <p>(1) Council to progress the One HR (improvement) Project and the HR Policies &amp; Practices workstream and implement recommendations / actions arising once complete. Progress to be reported to the Council's new Improvement Board.</p> <p>(2) The Council's HR Division to consider how any reporting on the numbers of settlement agreements could be improved to increase transparency</p> | <p>(1) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(2) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> |
| CU 028        | <p><b>Improper Recruitment of Officers</b> Allegation that Officers have been recruited without proper recruitment processes being followed, often under pressure from Members, and resulting in Members having 'plants' in key service areas.</p>  | No specific dates      | Rejected               | <p>Clear Up Team found that work was already underway within the Council through the One HR Project to improve recruitment practices.</p> <p>The Clear Up Board reviewed progress at the Clear Up Board Meeting on 8 March 2017 and heard that the recruitment review work will report findings and recommendations in the Spring.</p> <p>The Board also noted that a 2016/17 audit had considered recruitment processes and awarded a Substantial opinion, and that a follow up audit is now taking place.</p> <p>The Board also considered past recruitment programmes and agreed that work should be undertaken to review the outcomes of these programmes.</p>   | Interim Divisional Director HR and Transformation to conduct a review of historic recruitment schemes including 'Workforce to Reflect the Community' and 'Take a Chance' to consider outcomes and learning.   | This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action   |
| CU 029        | <p><b>Employment Options Programme</b> Allegation that individuals who should have been subject to disciplinary proceedings were allowed to leave through the Employment Options Programme with a pay settlement.</p>   | 2014 - 2015            | Rejected               | The Interim Divisional Director for HR and Transformation confirmed to the Clear Up Board through a report to the 8 March 2017 Clear Up Board that no individuals who were going to have disciplinary findings against them or who had investigations pending for Gross Misconduct were given an exit or voluntary redundancy through the Programme. An Internal Audit was also completed for the Programme and awarded Substantial Assurance.   | No recommendations  | <p><b>No further action</b></p> <p>The Summary of Findings is accepted</p>  |

| Case Ref. No. | Summary of Allegation   | Dates             | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response   |
|---------------|---|-------------------|------------------------|--|---|---|
| CU 030        | <p><b>Failure to refer an officer to the Police</b><br/>                     Allegation that an officer in the Youth Service has been recently dismissed, and whilst this should have been a Police matter the Council chose not to act, suggesting potential cover up officer was allegedly involved in writing funding proposals for organisations that did not exist; this included writing false proposals for politicians. Allegation that this individual and possibly others benefitted financially from this alleged fraud</p>  | 2015-16           | Rejected               | <p>The Clear Up Team concludes that the matter was referred to the Police but that the Police had decided not to pursue it. No evidence was found to support any cover up by the Council; the allegation therefore appears to be unfounded, and is rejected.</p> <ul style="list-style-type: none"> <li>- On 4 December 2014, during a face to face meeting at Limehouse Police station, information was provided to the Police regarding an organisation which involved a Council officer.</li> <li>- Sometime after 13 July 2015, a Council Investigator had engaged with the Metropolitan Police and made an informal referral of the Officer's involvement in the organisation.</li> <li>- The Council Investigator continued to email the Police with information involving the organisation and the officer which the investigator had considered to be of interest to the Police, until the end of the investigation in November 2015.</li> <li>- In January 2016, the Police were provided with a briefing paper setting out the findings of the investigation into the officer involving the organisation and other organisations and individuals, and with various allegations.</li> <li>- In early summer 2016 the Chief Executive and another Senior Officer met with a Metropolitan Police senior officer, who had informed them that the Police would not be taking any further action involving any of the organisations and individuals they were looking in to, including the officer named in the allegation.</li> </ul>   | No recommendations  | <p><b>No further action</b><br/>                     The Summary of Findings is accepted</p>  |
| CU 031        | <p><b>Officer actions during the Election Court Hearing and how these matters were looked into by the Council</b></p> <p>Allegation that:</p> <ul style="list-style-type: none"> <li>i) a Communications Support Officer attended a court hearing in private by saying that they worked for a newspaper (East End Life - a Council paper). Complainant states that this matter was looked at by a Senior Officer in Communications</li> <li>ii) A former Officer in the Mayor's Office was investigated for tweets sent from the Election Court which were then passed on to supporters of the former Mayor who then sent them out 'pretending' it was from them. Complainant states that the former Democratic Service Head and former HR Head looked into this matter.</li> </ul> | March/ April 2015 | Rejected               | <p>Whilst the complainant was unwilling to provide any further information or evidence, the Clear Up Team considered this matter on the basis of the information received.</p> <p>The Team found that whilst there may be some substance to the allegation, all of the individuals involved have left the Council, the complainant had no further information to provide, and the Clear Up Team was been unable to find any further evidence to substantiate the allegation or to confirm that any breach took place. In particular:</p> <ul style="list-style-type: none"> <li>- The two individuals referred to in the allegation were both employed by the Council at the time of the Election Court hearing. However, both have subsequently left the Council.</li> <li>- In relation to part (i) of the allegation, as this refers to a private court meeting it has not been possible to confirm whether or not the individual attended the meeting.</li> <li>- In relation to part (ii), whilst there is information on various blogs and some tweets that refer to the alleged tweets, the Clear Up Team was unable to locate the tweets referred to in the allegation.</li> <li>- In respect of any disciplinary action or investigation, in the case of individual (i) there is no record on the individual's HR files that refers to any disciplinary action or investigation. It appears that an informal meeting may have taken place between the then Head of Communications and the individual, and this may have related to the issue raised in the allegation, although no outcome of this meeting can be located. If, in the first instance informal disciplinary action was taken by the individual's management chain, then this appears to have been in line with the Council's Disciplinary Policy at the time.</li> </ul> | <p>Learning from this allegation to be considered within the current One HR (improvement) programme and the HR Policies and Practice workstream, with particular regard to how disciplinary matters are considered, investigated and actioned</p> | <p>This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>[Although not a recommendation, a referral has also been made to the Divisional Director, Communications for consideration and to action a policy/ procedure for when Communications Officers are at Court]</p> |



| Case Ref. No. | Summary of Allegation   | Dates           | Clear Up Team Response | Summary of Findings   | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response  |
|---------------|---|-----------------|------------------------|---|---|--|
|               | The allegation is that both of these matters should have been looked into by someone who is not in the chain of command at the Council  |                 |                        | <p>- In the case of person (ii), both of the individuals named in the allegation as having looked into this matter have left the Council and so it has not been possible to determine whether any disciplinary action took place. There is no record on the individual's HR files that refers to any disciplinary action or investigation. Given the seniority of person (ii) and the nature of their role, the former Head of HR and former Democratic Service Head would appear to have been appropriate officers to have progressed this matter.</p> <p>The Clear Up Team's view was that any further investigation into this allegation beyond referring the findings to the Council's project that is looking at improving HR policies and practice, including disciplinary processes, would be disproportionate.</p>  |   |  |
| CU 032        | <p><b>Fabrication of evidence in order to dismiss staff</b></p> <p>Allegation that two Senior Managers fabricated evidence in a RIPA (the Regulation of Investigatory Powers Act 2000) application.</p>                                 | 2014-2015       | Rejected               | <p>The allegations are not upheld on the basis that there was no evidence found to indicate that the Council did not follow correct procedures in the application and approval of the RIPA authority in relation to the surveillance operation in question. The Council acted on credible evidence provided from multiple sources including two separate whistleblowers and there was nothing found to suggest that any evidence had been fabricated. An external security supplier contracted by the Council was identified as being responsible for acting outside of the terms of the RIPA authority, thereby gathering inadmissible evidence. The external lead investigator responsible for the management of the investigation and collation of the evidence and shared some responsibility for this issue, as does the Council since an Officer overseeing the case missed that some evidence was gathered incorrectly immediately after the surveillance operation. The issue was identified by the Council during the latter stages of the investigation and was subject to legal debate/review which was not commented upon in the Clear Up Team's investigation. It should be noted that there was no evidence to suggest that this issue was any more than an oversight by the parties involved</p> | <p>(1) The Council should consider whether the external company/investigator that led the investigation in question should be retained as a potential supplier for investigatory services in light of findings that evidence was gathered outside of the terms of a RIPA authority.</p> <p>(2) The Council may also wish to consider whether to review other investigations, in particular where surveillance has been undertaken by the external security company involved, to provide assurance that the outputs are accurate.</p> <p>(3) It is also recommended that the Council put in an internal process to ensure that any such surveillance output relating to a RIPA authority should be checked for validity before disciplinary proceedings are commenced.</p> | <p>(1) This recommendation has been referred to the Divisional Director, Public Realm for consideration and to action</p> <p>(2) This recommendation has been referred to the Divisional Director, Public Realm for consideration and to action</p> <p>(3) This recommendation has been referred to the Monitoring Officer for consideration and to action</p> |
| CU 033        | <p><b>Misuse of RIPA</b></p> <p>Allegation that a spurious investigation was conducted into several members of staff, with a false statement made to obtain authority under The Regulation of Investigatory Powers Act 2000 (RIPA).</p> | 2014-2015       | Rejected               | <p>Although it was established that the Council Central Procurement Team had dealt with procurement of the external investigator to assist with the investigation in question, unfortunately no records appear to have been retained by the Council in relation to this. It was also noted from public records that the company from where the external investigator was sourced do not advertise an investigations service nor publish any investigative credentials. It was unknown why this company was engaged by the Council to undertake investigatory services.</p>  | <p>(4) Finally, in the absence of procurement records for the external company that led the investigation, the Council may wish to review the procurement records management process for individual assignments relating to investigations, also ensuring that investigative credentials are held and that potential conflicts of interest are considered before accepting suppliers</p>  | <p>(4) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p>   |
| CU 034        | <p><b>Cost of a Parks and Open Spaces consultant</b></p> <p>Allegation that a consultant was paid for Council work that was not needed to be undertaken at that level and that could have been handled by Council staff.</p>            | From April 2016 | Rejected               | <p>The Clear Up Team has looked into the process for the procurement of this consultant which was through the Council's corporate Comensura contract and therefore satisfies the Council's procurement requirements.</p> <p>The consultant was engaged as interim Head of Parks following an interview process and the appointment was approved by the then Head of Paid Service. Appointment to the role was urgent following a serious incident in a local park. The consultant's interim role with the Council finished at the end of November 2016.</p>   | No recommendations  | <p><b>No further action</b></p> <p>The Summary of Findings is accepted</p>   |



| Case Ref. No. | Summary of Allegation   | Dates             | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response   |
|---------------|---|-------------------|------------------------|--|--|---|
| CU 035        | <b>Recruitment to a Council Grants Team</b> Allegation that a recruitment panel member in Adult Services was – for no obvious reason – excluded from a recruitment panel. Another panel member in Adult Services then interviewed an applicant for a Grants Lunch Club Officer and appointed the candidate. The interviewer had informed a Council officer that the candidate's name had been provided by a Member. Allegation that the Council 'bent the rules' on recruitment to appoint this person following influence by a Member. The candidate was subsequently responsible for signing off grants and monitoring delivery | End 2012          | Partially Upheld       | <p>The Clear Up Team heard during a fact finding meeting with a Senior HR Manager that there were instances where officers had felt pressure from Members to appoint preferred candidates to roles within the Council in 2012/2013. This included the allegation in question.</p> <p>The HR manager recalled that an officer reported informally that a Member had pressurised a former Director to appoint an officer into a temporary assignment with the Council, who in turn asked the officer to appoint the candidate.</p> <p>HR advised the officer to follow the process and appoint the right candidate upon merit, with further advice to escalate the situation if required. It was asserted that the officer later returned to HR and advised that although the candidate had been appointed to the role, the correct process had been followed and he was the best person for the job. The Member alleged to be involved is no longer in office.</p> <p>Pre-recruitment records are only held by HR for a period of six months, and therefore details of the recruitment interviews and, any scoring and checks undertaken are not available to the Clear Up Project Team. There is also a more informal approach taken to recruitment for agency staff and it was not unheard of for recruiting managers to interview candidates on their own or issue orders to agencies for named staff.</p> | As part of the current One HR (improvement) programme, it is recommended that the recruitment process for temporary staff is reviewed to ensure a consistent approach is taken - using the right governance, and more in line with the standard recruitment guidance, with the use of risk assessed exceptions to policy agreements in exceptional circumstances, thereby ensuring that the Local Government & Housing Act 1989 is being adhered to. | <p>This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>[Although not a recommendation, The Monitoring Officer has reviewed the Member/ Officer Protocol and a revised Member/ Officer Relations' Protocol has been prepared and which deals with Members involvement in staffing matters. This will be presented to a future Constitutional Working Party for consideration]</p> |
| CU 036        | <b>Cover up of abuse of a child at a school</b><br>Allegation that the Council has covered up the abuse of a child at a local school and failed to investigate.   | 2016 and ongoing  | Rejected               | This matter is already being investigated through the Children's Social Care complaints process that includes independent investigation and as a result this matter is deemed to be out of scope of the Clear Up project   | No recommendations   | <p><b>No further action</b></p> <p>As noted in the Summary of Findings, this matter is already being investigated through the Children's Social Care complaints process that includes independent investigation</p>   |
| CU 037        | <b>Cover up of abuse of a child at a school</b><br>Allegation mirrors allegation CU036 (above).   | 2016 and ongoing  | Rejected               |  |  |   |
| CU 038        | <b>Social Workers used for political purposes and to victimise complainants and whistle-blowers</b><br>Allegation that Council social workers have been used for political purposes and to victimise complainants and whistle-blowers, with the former Mayor and their associates rewarding supporters by appointing them to the Social Services department. In turn some social workers have colluded in unprofessional targeting of certain individuals for reasons of intimidation and to discredit complaints   | No dates supplied | Rejected               | The Clear Up Team attempted to gain more specific information and evidence from the complainant to enable investigatory work to take place. The complainant was unable to provide any further information. Therefore, as this allegation is vague and there were no specific matters that could be investigated no further action was taken.   | No recommendations   | <p><b>No further action</b></p> <p>The Summary of Findings is accepted</p>  |

| Case Ref. No. | Summary of Allegation  | Dates                             | Clear Up Team Response | Summary of Findings   | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response  |
|---------------|--|-----------------------------------|------------------------|---|--|--|
| CU 039        | <b>Staff involvement in May 2014 Election activities</b><br>That in May 2014:<br>(i) individuals from the Youth Service were involved in both canvassing (with the intention of falsifying the Register of Electors) and in campaigning for certain candidates;<br>(ii) individuals from the Youth Service were employed at Polling stations to alter voting; and<br>(iii) individuals from the Youth Service were employed at the electoral count with the intention of falsifying the election count; and<br>(iv) that the same individuals referred to in point (i) above were also involved in timesheet fraud | Lead up to May 2014               | Rejected               | <u>Canvassing</u><br>One individual from the Youth Service was involved in canvassing. Canvassers wear high visibility jackets and an identification badge, which should result in it being visually clear when an individual is undertaking the canvasser role. It is not known whether or not the individual campaigned for any particular candidate in his personal time. However, it is noted that canvassing takes place significantly prior to an election, and not when the candidates are officially campaigning.<br><br>No evidence has been identified to indicate that an individual falsified any entries on the Register of Electors. The transition process to Individual Electoral Registration commenced in the summer of 2014. This involved a data matching exercise where all individuals on the existing electoral roll at the time were matched to Government data. Records were rejected if there was not a match of name, national insurance number and date of birth. This procedure would have identified, and rejected, any individuals that had falsely been added to the Register of Electors if that had happened.<br><br>Subsequent to this data matching exercise, any additions to the electoral roll have required evidence of national insurance number and date of birth, which are then cross-checked against data held by government departments | Internal Audit is requested to undertake a review to test that a sample of electors added to the electoral roll have provided appropriate evidence of their eligibility (including nationality, date of birth and address of residence). This review should be completed prior to the 2018 Mayoral and local elections.<br><br>The Returning Officer and Electoral Services Team should consider what level of information regarding (i) the procedures undertaken to ensure the integrity of the electoral roll; and (ii) the checks and procedures undertaken during verification and counting; should be shared publicly (for example, through a series of articles or a short video) to help increase the confidence of electors in the results. | (1) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action<br>(2) This recommendation has been referred to the Chief Executive and the Head of Elections for consideration and to act |
| CU 040        | <b>Allegation covering the same matters as CU039 (above).</b>  | Lead up to May 2014               | Rejected               | <u>Polling stations and counts</u><br>The number of Youth Service employees involved with the polling and count was relatively small proportionally. The result of the May 2014 Mayoral election has already been declared void by the High Court. It is not possible to examine the votes from the 2014 Local Election due to them having been destroyed (in line with standard procedures).<br><br>Following problems with the May 2014 count, as set out in the Electoral Commission's report, it was recognised by the Council's Election Services Team that improvements to the procedures were required. Subsequently, a significant number of changes have been made for the elections held in 2015 and 2016 and planning has already commenced for the Mayoral and local elections in 2018.<br><b>Note: The part of the allegation relating to timesheet fraud was considered under CU024</b>   |  |  |
| CU 041        | <b>Editing of Audit Reports relating to the Youth Service</b><br>Allegation that Audits of the Youth Service in 2015 and 2016 were edited prior to them being finalised, with some important facts being removed.  | Feb – March 2016                  | Rejected               | No evidence was found to substantiate the allegation that the reports were materially edited with important facts removed.<br><br>However, it would appear that the former report in the allegation, "Fact Finding Report, Youth Service Review", has never been finalised or any formal outcomes advised, although the Clear Up Team is aware that some actions are in progress as a consequence.  | (1) 2016 Internal Audit Report 'Fact Finding Report, Youth Service Review' to be finalised as soon as possible.<br><br>(2) The Council's Risk and Audit Service to ensure that there is a robust tracking process following the publication of any investigation / audit report, to ensure that formal recommendations have been considered appropriately and either:<br>(i) completed satisfactorily; or (ii) discounted with an appropriate risk based approach. Heads of Service should be clear on timescales required to formally respond to confirm that actions have been completed within this process.  | (1) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action<br>(2) This recommendation has been referred to the Corporate Director, Resources for consideration and to action                |
| CU 042        | <b>Corruption in the Borough</b><br>Allegation of 30 years corruption in the Borough.  | Before and during Clear Up Period | Out of Scope           | The Clear Up Team requested more specific information from the complainant, but this was rejected by the complainant unless the Clear Up Team could provide 'something in return'.<br><br>Without anything specific to consider the allegation was agreed to be Out of Scope.   | No recommendations   | <b>No further action</b><br>The Summary of Findings is accepted  |
| CU 043        | <b>Blockages and cover up</b><br>Allegation from a complainant who reports they have tried to raise issues with the Council but that they have been repeatedly blocked.  | No dates given                    | Out of Scope           | The Clear Up team requested more specific information from the complainant, but did not receive a response.<br><br>Without anything specific to consider the allegation was agreed to be Out of Scope.  | No recommendations   | <b>No further action</b><br>The Summary of Findings is accepted  |

| Case Ref. No. | Summary of Allegation  | Dates          | Clear Up Team Response | Summary of Findings   | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response   |
|---------------|--|----------------|------------------------|---|--|---|
| CU 044        | <b>Widespread corruption</b><br>Allegation of widespread corruption that has led to the complainant being forced to flee the UK, and making reference to phone tapping, entrapment, and a private police force in operation in the Borough.  | No dates given | Out of Scope           | The complainant provided an allegation implicating a wide variety of public figures and agencies in a corruption claim. The allegation was extremely vague, and as a result the Clear Up Team requested more specific information from the complainant.<br><br>No further information was received from the complainant and as such the allegation was considered to be Out of Scope.   | No recommendations   | <b>No further action</b><br>The Summary of Findings is accepted   |
| CU 045        | <b>Payment made to a Corporate Director</b><br>Copy of a press article sent to the Clear Up Team making reference to how a payment to a Council Corporate Director was treated in the Council's Accounts.  | 2011-2012      | Out of Scope           | The Clear Up Team wrote to the complainant to ask whether there was a specific allegation they wished to make in relation to the article. The complainant did not respond. As a result, the allegation was considered to be Out of Scope.   | No recommendations   | <b>No further action</b><br>The Summary of Findings is accepted   |
| CU 046        | <b>Serious issue in a local park in 2015</b><br>Allegation relating to conduct of officers   | 2015           | Out of Scope           | As this matter is already being considered by another statutory and independent investigation (Coroner's investigation) it was considered to be out of scope of the Clear Up Project.   | No recommendations   | <b>No further action</b><br>It should be noted that there is an ongoing Police investigation into this matter as well as an investigation by the Health and Safety Executive on the back of that. The Council is co-operating with these investigations and await the outcome of those.   |
| CU 047        | <b>Electoral wrongdoing</b><br>(i) That the counting of ballot papers for the Lansbury Ward at the May 2014 election was manipulated as a result of counters swapping desks, intimidation of counters by observers, and a Presiding Officer counting a ballot box that they had been responsible for in the polling station, and that there were insufficient supervisors for the number of counters.<br>(ii) That a specific error on the electoral roll identified during the 2012 London Mayoral election was not corrected by the Electoral Services team. | 2012 and 2014  | Partially Upheld       | Issues raised regarding procedures during the May 2014 election count had already been recognised by the Electoral Services team as requiring improvement.<br><br>The result of the May 2014 Mayoral election has already been declared void by the High Court. It is not possible to examine the votes from the 2014 Local election due to them having been destroyed (in line with standard procedures, which required them to be retained for a statutory period of 1 year and 1 day from the election and which was extended by a further 6 months at the request of the Electoral Court).<br><br>Subsequently, significant changes have been made to the electoral procedures which appear to cover all the points raised by the complainant with the exception of one. The one area that does not appear to have been considered by the Electoral Services team is the risk of a Presiding Officer or Polling Clerk for a particular polling station also counting the votes from that ballot box - a recommendation is made in relation to this point.<br><br>The alleged electoral roll error related to an example of two children having been included on the electoral roll in 2012, and that these errors were not manually amended by an Officer in the Electoral Services team when he was notified. Whilst children may have been included on the electoral roll in error in 2012, these errors should now have been corrected during the transition to Individual Electoral Registration. | (1) The Electoral Services Team should add an additional requirement to procedures, stating that an individual is not permitted to count votes from a ballot box for which they were either the Presiding Officer or a polling clerk.<br><br>(2) Internal Audit is requested to undertake a review to test that a sample of electors added to the electoral roll have provided appropriate evidence of their eligibility (including nationality, date of birth and address of residence). This review should be completed prior to the 2018 Mayoral and local elections.<br><br>(3) The Returning Officer and the Electoral Services Team should consider what level of information regarding (i) the procedures undertaken to ensure the integrity of the electoral roll; and (ii) the checks and procedures undertaken during verification and counting; should be shared publicly (for example, through a series of articles or short videos) to help increase the confidence of electors in the results. | (1) This recommendation has been referred to the Chief Executive and the Head of Elections for consideration and to act<br><br>(2) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action<br><br>(3) This recommendation has been referred to the Chief Executive and the Head of Elections for consideration and to act |

| Case Ref. No. | Summary of Allegation  | Dates                  | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response   |
|---------------|--|------------------------|------------------------|--|--|---|
| CU 048        | <p><b>St Peters Ward Local Councillor election May 2014</b></p> <p>Allegation that, at the first count, a Labour candidate received 2,270 votes. A recount was ordered, allegedly by the former Mayor.</p> <p>The complainant reports that the next day the new figure for the candidate was 1,680 - a reduction of 590 votes. The candidate was not elected as a Ward Councillor. The complainant alleges that election officials colluded.</p> | May 2014               | Rejected               | <p>The Clear Up Team found no evidence to suggest votes were lost or that ballot boxes were tampered with.</p> <p>The results were not challenged at the time of the election, and the matter was also considered by the Electoral Commission in its report 'Delays at the verification and count for the May 2014 elections in Tower Hamlets' (July 2014).</p> <p>St Peters Ward has been confirmed as one of 6 wards where there was a recount at the 2014 local elections. Verification certificates have been obtained and reviewed, showing 4650 papers verified from ballot papers and 1,533 postal votes. This figure is consistent with the figure reported in the election results on the Council's website.</p> <p>The 2014 local election ballot papers have since been destroyed, being retained for the statutory period of 1 year and 1 day from the election date, and extended by a further 6 months as required by the Electoral Court.</p> | No recommendations   | <p><b>No further action</b></p> <p>The Summary of Findings is accepted</p>  |
| CU 049        | <p><b>Fraudulent housing allocations</b></p> <p>Allegation that a supporter of the former Mayor boasted that they were given social housing as a reward for their services</p>   | Dec 2014               | Rejected               | <p>The complainant supplied the name of an individual and an address. The Clear Up team obtained electronic copies of this individual's Housing Application form and the associated documents/evidence leading to making an offer of a flat to the applicant.</p> <p>A review of the application, the associated documents/evidence, and Comino and SX3 (Council databases) checks did not identify anything untoward. The records showed that at least seven different officers from different teams were involved in processing the application concerned.</p> <p>The Clear Up Team concludes that based on these findings, the allocation of a flat to this individual had met all the required criteria and therefore this allegation was unfounded.</p>   | No recommendations   | <p><b>No further action</b></p> <p>The Summary of Findings is accepted</p>  |
| CU 050        | <p><b>Grants obtained fraudulently</b></p> <p>Allegation that grants have been fraudulently obtained by a local resident with close links to Council officers</p>  | Up to 2016             | Out of Scope           | <p>The Clear Up Team found that this allegation had been previously investigated by the Council's Corporate Investigation Team, and a final report was issued in July 2016. The matter related to a 'care package' for providing support to individuals with learning and physical disabilities and not a grant.</p> <p>The investigation did not find any evidence of fraud against the Council, but did identify irregularities, and these have already been referred by the Council to other agencies to investigate.</p>   | Progress of the outstanding recommendations from the investigation report needs to be monitored, with actions completed by their target dates.     | This recommendation has been referred to the Corporate Director, Health, Adults and Community for consideration and to action   |
| CU 051        | <p><b>Fraud in collection of business rates</b></p> <p>Allegation that businesses renting shop units at New Providence Wharf have not had to pay rent and/or business rates to the Council and instead these funds have been diverted to organisations linked to the former Mayor.</p>   | During Clear Up period | Rejected               | <p>The Clear Up Team did not find any evidence to substantiate the allegations, and no further evidence was provided by the complainant.</p> <p>During the investigatory work, and not linked to this allegation, prima facie evidence was found which indicates that an existing Member has not declared pecuniary interests.</p>   | Matter related to potential non-declared pecuniary interests of a Member referred to Council's Interim Monitoring Office and Head of Risk & Audit. | The Monitoring Officer has advised the Member that the matter is being considered under the arrangements for dealing with complaints of breach of the Code of Conduct for Members |

| Case Ref. No. | Summary of Allegation   | Dates                  | Clear Up Team Response | Summary of Findings   | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response   |
|---------------|---|------------------------|------------------------|---|--|---|
| CU 052        | <b>Council property service charge fraud</b><br>Allegation that a number of individuals who have purchased leasehold ex-Council properties/ flats have not had to pay services charges once the properties have been let to council house tenants – as a result of fraudulent activity by officers on the instruction of the former Mayor. One company name provided.   | c.2013                 | Rejected               | The complainant did not provide any further evidence to support the claim.<br><br>The company was found to have had an agreement with Council to let properties between 2012 and 2015, with only two Council-owned properties let in that time. The company was removed from the approved register of letting agents in August 2015 by the Strategic Housing Team. The Strategic Housing Team did not have records to show why the company was removed from the approved register, although a member of the team remembered a Council Investigator had been involved in the case. It was found that the company was removed from the register due to potential illegal subletting and for recording themselves as landlords on a Council-owned property, giving rise to the risk that the allegations at least have partial merit. The company was also referred to Trading Standards.  | (1) Council to review the approved letting agent register to ensure that rationales for removing agents are recorded appropriately within the framework of the law, to ensure agents known to have acted fraudulently cannot re-apply.<br><br>(2) To mitigate an apparent reliance within the Risk & Audit Service upon email records saved in Outlook, it is recommended that a full review is undertaken of case management practices and case record management to ensure they are complementary and facilitate the efficient retrieval of information.<br><br>(3) Council to conduct a 'property' against 'rent account' matching exercise.<br><br>(4) Vetting arrangements of letting agents to be reviewed by the Council to ensure they are robust. | (1) This recommendation has been referred to the Divisional Director, Housing and Regeneration for consideration and to action<br><br>(2) This recommendation has been referred to the Corporate Director, Resources for consideration and to action<br><br>(3) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action<br><br>(4) This recommendation has been referred to the Divisional Director, Housing and Regeneration for consideration and to action |
| CU 053        | <b>Allegation of favouritism in the provision of 'crisis grants'</b><br>Allegation that there has been favouritism for a number of years to certain groups on race/religious grounds in the provision of 'crisis loans'. Allegation that many genuine cases have been turned down because of their race / religion.   | During Clear Up period | Rejected               | The complainant was unable / unwilling to provide specific examples to support the allegation. The Clear Up Team considered the processes for Crisis Grants and reviewed and analysed relevant data and could find no indication of favouritism.<br>- Crisis Grant is made under the Local Welfare Provision. Applications for this grant are received / completed online by the Customer Services Customer Access team.<br>- Completed applications are then passed on to the Revenues Processing and Reconciliation Team to process. The processing consists of three stages, the initial assessment, approving the assessment and making payments to successful applicants. Each of these stages is completed by a different member of staff in the main, although in the event of staff shortages, either the approver or the assessor would also make the payment to the customer.<br>- If the approver disagrees with the assessment, it is fed back to the assessor to review their initial assessment. If after the review, the assessor agrees with the approver, the approver's decision will stand. If they are unable to reach an agreement, it is escalated to the manager or to a Senior Officer to make a decision.<br>- It is voluntary for a customer to state their ethnicity and religion on the application form. Data for Crisis Grant for May, July, September and November 2016 was analysed. The findings varied across the field. Taking the 'prefer not to say' numbers into account, and given that applicants had to be in receipt of Housing Benefit, the figures appear to reflect the make-up of the community in the Borough. The findings did not indicate favouritism of any religious or ethnic group over any other.<br>- Given that there was segregation of duties and no indication of favouritism identified, the investigation concludes that the allegation is not founded.<br>- The Clear Up Team did note that, although there is segregation of duties, the three stages are undertaken by five assessors of the same grade, who approve each other's assessments and make payments for each other. It is possible for an individual member of the team to process an application from end to end after it has been received. This puts the staff at risk of being accused of irregularities | Council to put in place measures, controls and systems to mitigate the risk surrounding the Crisis Grants assessment, approvals and payments processes   | This recommendation has been referred to the Corporate Director, Resources for consideration and to action  |
| CU 054        | <b>Allegation of collusion between Council Senior Officer and the Police</b><br>Allegation that two former Senior Officers of the Council had links to the local Police, and would influence the Police at the instruction of the former Mayor. Allegation of misfeasance in public office, by using contacts in the Police to harass individuals who were political enemies or complainants of the former Mayor. | No dates supplier      | Rejected               | The Clear Up Team attempted to gain more specific information and evidence from the complainant to enable investigatory work to take place. The complainant claimed to have direct links to several other potential complaints who allegedly have important evidence related to this allegation. The Clear Up Team provided full assurance to the complainant that the identities of these individuals would be protected if they were to come forward, including providing details of the Prescribed Persons arrangements. However, despite these assurances no further specific information, evidence or other whistle-blowers came forward. As this allegation is vague and there were no specific matters that could be investigated, no further action was taken.  | No recommendations   | <b>No further action</b><br>The Summary of Findings is accepted   |



| Case Ref. No. | Summary of Allegation   | Dates             | Clear Up Team Response | Summary of Findings   | Recommendations For Further Action Agreed by the Clear Up Board  | Monitoring Officer Response  |
|---------------|---|-------------------|------------------------|---|--|--|
| CU 055        | <p><b>Council budgets misappropriated and provided to organisations with extremist views.</b><br/>Allegation that council funds from a number of budgets, including the housing budget had been held back under the instruction of the ex-Mayor.</p> <p>Further allegation that public money had been defrauded from the Council by several organisations in receipt of grant funding and sent to terrorist groups.</p> | 2012-2014         | Rejected               | <p>There was no evidence found to suggest that (i) Council Budgets were held back or misappropriated in any way to fund grants for specific organisations and (ii) there is no tangible evidence found to link the organisations named in the allegations and their grant funding to extremist or terrorist activity. It should be noted however, that the latter point cannot be proved conclusively as the Clear Up Team did not have direct access to the named organisations.</p> <p>There were clear anomalies in the decision making processes for the grants sampled in 2013. Organisations sampled had received awards after Grant Officers had declined applications or recommended lower amounts. No rationale for the changed awards was recorded. In addition, two linked organisations sampled may have applied for small grants with the intention of deceiving the council given the anomalies in information provided. As they were forward funded and did not meet monitoring conditions, it is unknown how funds were spent.</p> <p>However, it is accepted that many of these issues are historic and were also reported on in the PWC Best Value Report. It is noted that current grant award processes are now more transparent and monitoring is more robust, which was substantiated by positive feedback from Grant Officers.</p> <p>Due diligence in relation to grant assessments was generally sound, but there may be scope to check further into the background of an organisation and its trustees/directors to provide assurance against conflicts of interest.</p> <p>There does however remain a risk (not however, significant) that the grant award processes could be subject attempts by unscrupulous organisations to use public money for the purposes of financial crime or terrorist funding, given the process to allow forward funding and the limited money laundering awareness evidenced by Grant Officers.</p> | <p>(1) The Council should consider whether they wish to approach officials of the two organisations where grant applications may have been submitted with intent to deceive, to request an explanation of the similarities and issues with their Mayor's Community Chest grant applications made in 2013. It should also be considered whether it would be appropriate to request the return of the funding provided subject to proof being provided that the funds were spent in accordance with the grant agreements.</p> <p>(2) The Council should also consider a review of the Tower Hamlets Anti Money Laundering Policy and Guidance, together with the grant award processes to ensure that all money laundering risks are taken into account for outgoing funds. It is suggested that Suspicious Activity Reports are submitted in relation to organisations who fail to fulfil grant monitoring conditions after being forward funded.</p> <p>(3) It is also recommended that the Council ensures that training in anti money laundering and terrorist financing regulations is refreshed for all Grant Officers with the subsequent provision of a rolling programme of training annually.</p> <p>(4) Finally, the Council should consider whether checks are made against trustees or directors or organisations during the grant assessment process to protect the Council against potential conflicts of interest arising.</p> | These recommendations has been referred to the Corporate Director, Resources for consideration and to action                   |
| CU 056        | <p><b>Fraud at Tower Hamlets Homes</b><br/>Various allegations of fraud within Tower Hamlets Homes.</p>   | No dates supplied | Rejected               | <p>The Clear Up Board's view is that THH is a separate legal entity and as such that organisation should have the opportunity to investigate these claims in the first instance.</p> <p>The Clear Up Team attempted to broker a meeting between the THH CEO and the complainant, with the identity of the complainant being fully protected. The THH CEO is very keen to consider these allegations.</p> <p>A range of options were proposed to the complainant to enable this to take place, with the Clear Up Team continuing to play an introductory role. As of the close of the Clear Up Project, the complainant has not yet taken up the opportunity to raise these matters with THH.</p>  | No recommendations   | <p><b>No further action</b><br/>The Summary of Findings is accepted</p>  |
| CU 057        | <p><b>Failure to conduct a fair disciplinary process</b><br/>Allegation of improper behaviour in relation to several individuals and of procedural failings in connection with a harassment and discrimination complaint against an individual, an alleged unfair disciplinary investigation process and a flawed appeal.</p>   | 2013-2016         | Rejected               | <p>Following document review and an informal fact finding interview, the Clear Up Team's view is that, as this matter has progressed through the Council's disciplinary processes to the appeal stage there are no grounds for further investigation.</p> <p>Separate investigations were carried out at the CHAD (combatting harassment and discrimination) and disciplinary stages by two different investigators, and the appeal was heard by a Corporate Director, in line with the Council's policy. The complainant had the opportunity to raise matters relating to the case at each stage, including at the appeal stage.</p> <p>On a prima facie assessment of the information it would appear there was an acceptance by management that there were procedural failures during the CHAD investigation but on a prima facie assessment the disciplinary investigation took a narrow view of the charges WB11 was ultimately disciplined on. It appears as though the earlier procedural irregularities were addressed at the second investigation and at the appeal stage.</p>   | <p>This case and the issues raised within it should be used as a management review within the One HR Programme / HR Policies and Practice Project to strengthen the robustness of CHAD, grievance, disciplinary and appeals processes, to establish fairness of the Council's procedures and how these are practised so as to make improvements in the future.</p>   | <p>This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> |



| Case Ref. No. | Summary of Allegation   | Dates         | Clear Up Team Response | Summary of Findings   | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response  |
|---------------|---|---------------|------------------------|---|---|--|
| CU 058        | <p><b>Treatment of a local resident</b><br/>Allegation that a local resident and business owner had been made bankrupt by the Council on the basis of non-compliance with County Court Judgements (CCJ's) despite having paid all outstanding claims. Further allegation that this event and previous/subsequent harassment by officials working for the Council and East End Homes Ltd (EEH) stemmed from a personal issue with a former Respect Party member and friend of the former Mayor.<br/>Allegation that complaints made by the resident have not been taken seriously and have been dismissed.</p>   | 2004 onwards  | Rejected               | <p>The allegation claiming that the resident was made bankrupt improperly is rejected on the basis that (i) no evidence could be found to substantiate the claim from available Council records and (ii) evidence promised by the complainant to substantiate the allegation was not provided.</p> <p>However, there was evidence found that suggested a disparity between records held on Council systems and correspondence and emails held on the resident's file relating to the payment of a CCJ. In the absence of evidence being provided by the complainant, it cannot be conclusively proved that the resident satisfied the CCJ twice. It is unfortunate that this disparity was not picked up by the Council in the investigation of previous complaints made by the resident.</p> <p>The allegation that business rent statements were tampered with by the Council is rejected on the basis that a review of electronic rent records for the resident have proved that the anomalous entries evidenced were typing errors and/or were valid invoices in all cases.</p> <p>There was no evidence found of any impropriety by Council Officers in their dealings with the resident.</p>  | Given the disparity in records held by the Council in relation to the satisfaction of the CCJ, it is recommended that the Council remain open to the receipt of further evidence that proves that the CCJ was paid twice. This evidence should include a breakdown of payments made by the third party who settled the bankruptcy petition on behalf of the resident, including references, beneficiaries, dates and times in order facilitate further investigations by the Council and their appointed solicitors.  | This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action  |
| CU 059        | <p><b>Improper Council decision making in relation to 'Rich Mix' S106 funds and litigation</b><br/>A decision taken by the Strategic Development Committee ("SDC") in 2010 to allocate funds to Rich Mix Cultural Foundation ("Rich Mix") was not in the best interests of tax payers, and the decision should properly have been made through grant-making procedures and not by the SDC. The decision was influenced by Members having personal connections with Trustees of Rich Mix.<br/><br/>Individual Mayoral Decision 101 on 18 June 2015 was not in the best interests of tax payers due to a lack of information and was made in a secretive way.<br/><br/>A Member who had a conflict of interests was involved in discussions relating to the matter during an Overview and Scrutiny Committee meeting.</p> | 2010 and 2015 | Rejected               | <p>The decision relating to the allocation of S106 funds (which are not a grant) to Rich Mix appears to have been referred to the SDC in 2010 by an Officer on the basis that it was his view that it was likely to be a particularly sensitive decision. Considering that the SDC's decision is still being discussed more than six year later then this does not appear to have been an unreasonable view for the Officer to have held.</p> <p>No conflict of interests arises purely by virtue of the fact that a member of the same political party of someone else with a connection to an organisation is involved in the decision making.</p> <p>The Mayor felt that he had sufficient information available to him in order to make Individual Mayoral Decision 101 in June 2015. The information available to the Mayor could not be published at the time, due to (i) some relating to the financial and business affairs of Rich Mix; and (ii) a need to maintain legal privilege whilst litigation was ongoing. Permission was sought from Rich Mix for financial information to be published. Subsequently, following signing of the Settlement Agreement (i.e. when legal privilege no longer needed to be maintained), both Rich Mix's financial information and the Decision Report which the Mayor had considered when making the Decision were published</p> <p>A Member's non-pecuniary interest was declared at the Overview and Scrutiny Committee meeting held on 7 July 2015. The Council's Constitution did not specify what action should be taken in response. Whilst it may have been advisable for the Member to leave the OSC meeting for the avoidance of the perception of a conflict in their roles, by remaining in the meeting they did not commit any breach of the Council's regulations.</p> | <p>The Constitutional Working Party is requested that (i) their review of Part 5 of the Constitution (Codes and Protocols) considers what actions should be taken by a Member who declares a non-pecuniary interest, particularly in relation to matters that are Exempt due to Legal Privilege; and (ii) their review considers whether it would assist the Monitoring Officer in maintaining the confidentiality of Exempt information if additional guidance was included relating to the procedures for the issuing and protection of Exempt information (pink papers).</p> | The Monitoring Officer has revised the Code of Conduct for Members and which was approved by Council on 05/12/2016. The Monitoring Officer has also reviewed the Member/ Officer Protocol and a revised Member/ Officer Relations' Protocol has been prepared a. This will be presented to a future Constitutional Working Party for consideration |
| CU 060        | <p><b>Council housing fraud</b><br/>Allegation that a resident has received unwarranted works in a Council property through favouritism and dishonesty, and that the occupier has another private property.</p>   | Not given     | Out of Scope           | <p>Although the property's address was provided, no dates were given by the complainant. The Clear Up Board agreed that this matter would be best taken forward by the Council's social housing fraud team and as a result it was referred to the team by the Clear Up Project Manager.<br/>The complainant was informed.</p>   | No recommendations  | This is a matter being investigated by the Council's Risk Management and Continuity Planning Team and will be reviewed by the Monitoring Officer once the outcome of the investigation is known  |

| Case Ref. No. | Summary of Allegation  | Dates         | Clear Up Team Response | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board | Monitoring Officer Response  |
|---------------|--|---------------|------------------------|--|---|--|
| CU 061        | <p><b>Allegation of conspiracy to pervert the course of justice / collusion in respect of investigations into Youth Service</b></p> <p>In May 2016 Cllr Rachael Saunders stated to Council that around 75 investigations were underway into actions of staff in the Youth Services team. Complainant alleges there will be no prosecutions of any Youth Services staff as a result of evidence being "incorrectly packaged" and the Metropolitan Police Service not forwarding the evidence to the Crown Prosecution Service. The Council's response to FOI 6081379 stated that the MPS informed the Council that the reason for the MPS not proceeding with criminal prosecutions was because there was "Insufficient evidence to proceed".</p> <p>Allegation is that (i) Council Officers have lied to Council Members (not specified which) regarding the reasons for there being no prosecutions of Youth Service staff; and (ii) that there is collusion between Council Officers and the MPS to bury evidence.</p> | 2016          | Rejected               | <p>No evidence has been identified in relation to this allegation to substantiate that either (i) Council Officers have lied to Council Members regarding the reasons for there being no prosecutions of Youth Service staff; or (ii) that there is collusion between Council Officers and the MPS to bury evidence.</p> <p>There is evidence that alternative wording for the reasons for there being no prosecution has been used in a private meeting, but there does not appear to have been any attempt to lie or mislead.</p> <p>The allegation includes facts relating to three different 'batches' of investigation evidence:</p> <p>(i) Relating to 9 organisations which purportedly provided services to the Youth Service but were found not to exist;</p> <p>(ii) Relating to individuals who have been employed by the Youth Service at some time during the last 3 years and are being investigated in relation to potentially inappropriate expenditure on Council Payment Cards; and</p> <p>(iii) Relating to individuals who have been employed by the Youth Service at some time during the last 3 years and are being investigated in relation to potential failure to declare conflicts of interest.</p> <p>The statement made by Cllr Rachael Saunders to Council on 18 May 2016 related to batches (ii) and (iii).</p> <p>The statement made in response to FOI 6081379 related to batch (i).</p> | No recommendations  | <p><b>No further action</b></p> <p>The Summary of Findings is accepted</p> |
| CU 062        | <p><b>Blocking of enquiries</b></p> <p>Allegation that a former Senior Officer of the Council repeatedly blocked internal and external enquiries into wrongdoing at Tower Hamlets Council and Tower Hamlets Homes. Specific allegation relating to an incident in November 2013 when three individuals purporting to be from Tower Hamlets Homes knocked on the door of a resident asking how the former Mayor could help, and of an alleged blocked enquiry into this event.</p>  | November 2013 | Rejected               | <p>The complainant was unable to supply any further evidence on this allegation other than an account already provided.</p> <p>The Clear Up Team did not pursue this matter further as:</p> <ul style="list-style-type: none"> <li>- This matter has been looked at by the Metropolitan Police</li> <li>- Other than Senior Officers who have now left the Council, information of the names of staff involved, either within the Council or TH Homes are unknown</li> <li>- The exact breach that may have occurred is unclear.</li> </ul> <p>Any investigation would therefore be disproportionate and would be unlikely to reach a firm conclusion</p>  | No recommendations  | <p><b>No further action</b></p> <p>The Summary of Findings is accepted</p> |

| Case Ref. No. | Summary of Allegation  | Dates  | Clear Up Team Response                           | Summary of Findings  | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response  |
|---------------|--|--|--|--|---|--|
| CU 063        | <b>Allegations of fraud</b><br>(1) <b>Photocopying of postal votes, obtaining grants and housing benefit fraud</b><br>Allegation of an individual photocopying postal votes during an election. Allegation that the individual has obtained grants for a local organisation. Allegation that this individual claims housing benefit fraudulently.  | No dates given – asserted to be during Clear Up period | Rejected   | The allegation of photocopying postal votes has been rejected as the complainant has been unable to provide any dates or documentation to support these assertions.<br><br>A referral has been made to the DWP Housing Benefits Department to investigate the allegation of possible housing benefits fraud in relation to the individual.<br><br>The allegations of fraudulent activities and links to a terrorist organisation by members of a local organisation rejected due to lack of any supporting evidence.<br><br>Information report supplied to the Charity Commission to advise that a Trustee for the local organisation is also a Trustee for an organisation that supports a foreign political party. | (1) Referral of Housing Benefit matter made by Clear Up Team.<br><br>(2) Referral to Charity Commission made by Clear Up Team.<br><br>(3) Grants Team to ensure that the outstanding monitoring visit to the organisation for failings in returning accurate and timely reports is actioned as soon as possible   | (1) <b>No further action</b> [Matter with DWP]<br><br>(2) <b>No further action</b> [Matter with Charity Commission]<br><br>(3) This recommendation has been referred to the Corporate Director, Resources for consideration and to action  |
| CU 064        | <b>Allegation of fraud involving a local organisation</b><br>Allegation that members of an organisation with alleged extremist views have taken over the organisation from more moderate members of the community. Allegation of fraudulent activities of obtaining grants and monies raised in this organisation being used to fund other activities  |  | Rejected   | An issue relating to the local organisation's non-compliance of submitting their grants forms on time and of an outstanding monitoring visit (since April 2016) have been found to still need addressing by the Grants Team.<br><br>The Clear Up Team also found that there is another whistle-blowing matter connected to this allegation running in parallel to the Clear Up Project, and this is being addressed through the Council's whistle-blowing process.   |   |  |
| CU 065        | <b>Wrongdoing concerning the Council's Rapid Response Team</b><br>Allegation of drug taking, drinking, and postal vote fraud involving the Rapid Response Team   | Early 2014   | Rejected   | As this allegation is vague, and no specific investigable details are provided the Clear Up Team's view is that and any investigation would be disproportionate.<br><br>The complainant was unable to provide any further evidence.<br><br>The substance of the allegation could neither be upheld nor rejected.   | There are a number of Council reviews underway that impact on the role of the Rapid Response Unit (e.g. the new Anti-Social Behaviour Strategy), and there have been a number of audits and investigations in the past that have reported findings and recommendations in relation to the Unit. The Council should ensure that any past findings and/or recommendations relating to the Unit and any future recommendations as a result of these reviews are carefully tracked and implemented.   | This recommendation has been referred to the Divisional Director, Community Safety for consideration and to action   |
| CU 066        | <b>Failure of HR to provide appropriate advice during a disciplinary process and failure of the Council to respond to complaints raised in relation to this</b><br><br>Complainant won an Employment Tribunal which determined that he had been unfairly dismissed by a voluntary aided school. Complainant alleges that:<br>1. The Head teacher of the School pre-determined the outcome prior to any investigation;<br>2. HR advice provided by the Council to the Governing Body during the investigation / disciplinary / appeal was incorrect and biased; | 2012 and ongoing                                       | Partially out of scope<br><br>Partially rejected | The Clear Up Team conducted a full investigation of this matter and provided feedback to the complainant.<br><br>Due to a restricted reporting order having been put in place in relation to the Employment Tribunal judgement and the reasons for it, the detailed findings in relation to these allegations will not be published.   | (1) Recommendations made in this case must be allocated as action points against a timetable and progress in implementing them must be tracked and monitored. A number of the recommendations were made 30 months ago, but there has been limited progress made in implementing them since then. A report with an action plan is to be reported to the Statutory Officers' meeting.<br><br>(2) Officers in the Schools HR Team should clearly and contemporaneously document all HR advice that is provided to schools, and a formal part of the pre-meeting for a suspension should be to inform schools that, if they act contrary to HR advice that is provided to them, then they will become responsible for any costs that are incurred.<br><br>(3) An HR Officer should be appointed as the owner of the list of potential independent external Investigating Officers. The list should be refreshed, and background checks undertaken on the reputation and experience of those included on the list.<br><br>(4) The HR Senior Manager should instruct all Officers in the Schools HR Team that, when requested by a school to recommend an external Investigating Officer, they should provide details of at least three potential Investigating Officers so that it is clearly the school which makes the decision as to who to appoint and there is not a perception that the Investigating Officer has been appointed by the Council. | (1) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action<br><br>(2) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action<br><br>(3) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action<br><br>(4) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action |

| Case Ref. No. | Summary of Allegation  | Dates | Clear Up Team Response | Summary of Findings | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response  |
|---------------|--|-------|------------------------|---------------------|---|--|
|               | <p>3. The External Investigating Officer recommended by the Council to the Governing Body was not independent, did not conduct an appropriate investigation, and had pre-determined the outcome on the basis of instructions from the School and / or the Council;</p> <p>4. Council investigated the complaint against HR and the HR investigator, using another investigator also from HR who was not independent; and</p> <p>5. The Complainant has raised the issue repeatedly during the last two years and the Commissioners / Head of Paid Services / Chief Executive have failed to respond.</p> |       |                        |                     | <p>(5) The HR Senior Manager should review whether a presumption that all activity in relation to investigations being conducted in schools ceases during the six weeks summer holiday is necessary, given that this results in a loss of timeliness in the collation of evidence and some witnesses may be available during this period.</p> <p>(6) Officers in the Schools HR Team should be provided with further training in relation to the requirements of the Burchell Test in relation to investigations, and advising on this should become a standard element of advice provided to Disciplinary Panels and Disciplinary Appeal Panels.</p> <p>(7) The role of the independent Investigating Officer at a Disciplinary Panel should be clarified by the HR Policies and Procedures Project Board and the wording in the Schools Personnel Manual Procedure for the Disciplinary Hearing should be amended.</p> <p>(8) The Governors Service should conduct mandatory training for any governor who will chair either a Disciplinary Panel or a Disciplinary Appeal Panel, and the chair should run the Panel and ask questions of the witnesses and the Investigating Officer.</p> <p>(9) As part of the standard procedures when advice is provided in relation to a new allegation, the Schools HR Team should consider the potential conflict of interests that may arise in relation to the roles of the Head teacher and how these will be mitigated, for example, considering if the Head teacher is the key witness whether it is appropriate that the Head teacher should also commission and brief the external Investigating Officer.</p> <p>(10) When an Employment Tribunal rules that a dismissal has been unfair, then the Legal Officer involved in the case should request an independent HR Officer to undertake a review of the case, the HR advice that was given, and the details of the judgement, in order to identify and lessons to be learned and any changes to procedures required.</p> <p>(11) The HR Policies and Procedures Project Board should consider whether any clarification is required in relation to which policies apply in relation to voluntary aided schools at which, in addition to relevant Council procedures, there are also relevant diocesan procedures, and that these policies are consistent in the requirements set out.</p> | <p>(5) This recommendation will be referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(6) This recommendation will be referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(7) This recommendation will be referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(8) This recommendation will be referred to the Corporate Director, Children's for consideration and to action</p> <p>(9) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(10) This recommendation has been referred to the Divisional Director, Legal for consideration and to action</p> <p>(11) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> |

| Case Ref. No. | Summary of Allegation | Dates | Clear Up Team Response | Summary of Findings | Recommendations For Further Action Agreed by the Clear Up Board   | Monitoring Officer Response   |
|---------------|-----------------------|-------|------------------------|---------------------|---|---|
|               |                       |       |                        |                     | <p>(12) The HR Policies and Procedures Project Board should review the wording in the standard suspension letter template to consider clarifying that the onus is on the suspended employee to contact the Link Officer to obtain updates, and that updates will not be proactively offered. Alternatively, it should be agreed at what milestones during the process or at what intervals the Link Officer will contact the suspended employee.</p> <p>(13) The HR Policies and Procedures Project Board should review who is responsible for the provision of counselling for a person who allegations have been made against.</p> <p>(14) In order to avoid an incorrect external perception that internal investigations into the conduct of HR Officers are conducted by other closely connected HR Officers with a lack of independence, any letter informing a complainant of an outcome of an investigation should clearly state how the person who has conducted the investigation is independent of the individuals who the allegation(s) have been made against, and this guidance should be incorporated into the current HR Policies and Procedures Project Board.</p> <p>(15) At the end of a Complaints procedure, whether conducted by the Complaints Team or elsewhere in the Council, when the Complainant is informed that all steps of the process (including a senior review) have been completed then wording included in the final outcome letter should be explicitly clear that "no further correspondence will be entered into".</p> <p>(16) The Corporate Director for Children's Services should consider whether the risk of the Council being liable to reimburse the costs of schools losing cases of unfair dismissal at Employment Tribunals as a consequence of being unable to prove when schools have not complied with HR advice provided to them due to either (i) the advice not being documented at the time; or (ii) the appropriate advice not actually being provided; should be added to the Council's Risk Register.</p> <p>(17) The Schools HR Team should advise Disciplinary Panels and Disciplinary Appeal Panels that minuting of the proceedings should stop when the Panel adjourns to discuss and make a decision.</p> <p>(18) A number of further recommendations were made in relation to this allegation, which cannot be published as a consequence of the Employment Tribunal's ruling that reporting restrictions apply.</p> | <p>(12) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(13) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(14) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(15) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(16) This recommendation has been referred to the Corporate Director, Children's for consideration and to action</p> <p>(17) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(18) These have all been picked up by the Divisional Director, HR and Transformation for consideration and to action</p> |