

Cabinet 27 February 2018	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Clear Up Project Update	

Lead Member	Mayor John Biggs
Originating Officer(s)	Paul Greeno, Senior Corporate & Governance Lawyer
Wards affected	All
Key Decision?	No
Community Plan Theme	A fair and prosperous community

Executive Summary

This report is providing an update with progress on the recommendations for further action arising out of the Clear Up Report.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the report.

1. REASONS FOR THE DECISIONS

- 1.1 In accordance with the policy of openness and transparency it has been agreed that not only the report of the Clear Up Project but details of subsequent actions by the Council are published and in the public domain.

2. ALTERNATIVE OPTIONS

- 2.1 This is a noting report.

3. DETAILS OF REPORT

- 3.1 The Clear Up project was established at the request of the Commissioners to conduct a review of any unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions. The project focused on allegations which related to any decisions or activity which took place between October 2010 and June 2016 (the period from the election of the previous elected mayor to the re-launch of the Whistleblowing policy).
- 3.2 The Project was launched in September 2016, and anybody could raise an allegation to the independent Clear Up Team as long as it met the following criteria:
- The allegation referred to a decision or activity that occurred between October 2010 and June 2016;
 - The allegation was notified directly to the Clear Up Team between Thursday 8th September 2016 and Thursday 8 December 2016 or via the Secretary of State's Commissioners, a Member of Parliament or a Councillor; and
 - Included details of the alleged impropriety and any evidence which supported the complainant's claim. The complainant could also provide their contact details to allow a member of the Clear Up Team to discuss further the allegation.
- 3.3 An independent Clear Up Team was appointed to investigate the allegations. During the nominations window, 66 allegations were received and each were considered by the independent Team: including reporting progress and making recommendations regularly to the Clear Up Board and which comprised the Chief Executive, Monitoring Officer, Corporate Director, Resources and a lead Commissioner (Chris Allison).
- 3.4 The Clear Up Board considered the final investigation reports and the draft final report at its final Board meeting on 27th March 2017. Following that meeting the report was amended to include the Board's decisions upon the final investigation reports and was finalised and published.
- 3.5 Following receipt of the Clear Up Project report the Monitoring Officer carefully considered the report and specifically Annex 1 which set out each of the 66 allegations; their finding; and the recommendations. Of those 66 it was noted that:
- 38 - Rejected (includes 1 that was also partially out of scope)
 - 11 - Out of Scope
 - 5 - Upheld
 - 11 - Partially Upheld
 - 1 ongoing

- 3.6 Even where allegations were rejected or were out of scope, the Clear Up Board considered whether there were any lessons to be learnt and made recommendations accordingly. Recommendations for action were made in respect of a total of 41 of the allegations.
- 3.7 In addition the Monitoring Officer has carefully considered the report and, in particular, Annex A and where further action was required by the Council, has allocated that action to various Corporate Directors and Divisional Directors.
- 3.8 On 27th June 2017 the Mayor in Cabinet received a copy of the final report of the Clear Up Project. Since then, the Monitoring Officer has been reviewing actions taken and a further 30 cases have been closed leaving 11 cases where recommendations are still outstanding. Progress has also been made in respect of those remaining 11 matters. A number of those matters have more than 1 recommendation for action and a number of those individual recommendations have been fully actioned but the case itself cannot be closed as there are other outstanding actions in relation to that case.
- 3.9 There are currently 14 outstanding recommendations in respect of the 11 outstanding cases. These have been clustered to reflect that the same recommendation may apply to more than 1 case. A spreadsheet showing these outstanding actions is attached at Appendix 1.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no direct financial implications.

5. LEGAL COMMENTS

- 5.1 The Monitoring Officer has been monitoring actions taken and where an action has been completed the Monitoring Officer has ensured that all appropriate lawful steps were taken to comply with the recommendations.
- 5.2 The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty.
- 5.3 By virtue of Directions that were made by the Secretary of State on 17th March 2015 the Council was required to draw up and agree with the Commissioners a strategy and action plan for securing the Authority's compliance with the best value duty. Part of that plan included a recommendation that the Council set up a Clear-Up Team to ensure that any historic unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions are properly investigated and determined. A natural consequence of the investigation and determination is to consider the findings and implement recommendations so as to continue to demonstrate the Council continued commitment to the best value duty.

5.4 Pursuant to the Direction of 28th March 2017 progress upon this matter will be included in the quarterly reports to the Secretary of State upon the Best Value Action Plan and Best Value Improvement Plan.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 The Clear Up Project is a continuation of the Council's improvement to its organisational culture. It demonstrates a commitment to put the concerns of employees and local people first and for fair and transparent decision making and which contributes to the delivery of One Tower Hamlets priorities and objectives.

7. BEST VALUE (BV) IMPLICATIONS

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7.2 By virtue of Directions made by the Secretary of State on 17 March 2015 the Council was required to draw up and agree with the Commissioners a strategy and action plan for securing the Authority's compliance with the best value duty. Part of that plan included a recommendation that the Council set up a Clear-Up Team to ensure that any historic unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions are properly investigated and determined. A natural consequence of the investigation and determination is to consider the findings and implement recommendations so as to continue to demonstrate the Council continued commitment to the best value duty.

7.3 Pursuant to the Direction of 28 March 2017 progress upon this matter will be included in the quarterly reports to the Secretary of State upon the Best Value Action Plan and Best and Best Value Improvement Plan.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 None.

9. RISK MANAGEMENT IMPLICATIONS

9.1 Ensuring a culture whereby persons feel empowered to raise concerns is an important part of risk management and should reduce risks.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 Ensuring a culture whereby persons feel empowered to raise concerns when there is a reasonable belief (and it is in the public interest) that a criminal offence or a miscarriage of justice is likely to occur and which involves the Council should assist in reducing crime.

11. SAFEGUARDING IMPLICATIONS

11.1 Safeguarding is a term which is broader than 'child protection' and relates to the action taken to promote the welfare of children and protect them from harm. Safeguarding is everyone's responsibility. Safeguarding is defined in Working together to safeguard children 2013 as:

- protecting children from maltreatment
- preventing impairment of children's health and development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care and
- taking action to enable all children to have the best outcomes

11.2 Where the findings and recommendations of the Clear Up Project relate to issues of Safeguarding these have been referred to the Corporate Director, Children's Services for consideration and action.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- 1 – Spreadsheet of Outstanding Recommendations.

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE.

Officer contact details for documents:

N/A