

**Summary from the Chief Executive
ASB Investigation
LB NEWHAM OCTOBER 2005**

I commissioned an investigation into complaints highlighted within the ASB service.

That investigation was carried out by Amanda Kelly.

The report is 67 pages long so I thought it only appropriate that I prepare a summary of the report.

The report looked into various allegations and its key findings and recommendations are set out below.

Newham Executive Board has considered the findings and recommendations, and an action plan for the next steps has been agreed. A report will go to the Mayor and Cabinet to decide on the way forward for the service.

Despite the scale of the task the investigation concludes that there are grounds for optimism. Amanda found that staff were all very committed to the work that they do and to working for the Council. They want the problems highlighted in the report to be resolved and the service to move forward. Most of all they want the atmosphere to improve and to be able to get on and do the job they are employed to do without distractions.

As Chief Executive I appreciate that it is important for staff, managers, the Council and our local communities that we ensure this important service is operating effectively.

Allegation that the Community Constabulary were acting outside their powers

The Community Constabulary have different powers in parks and open spaces than they have elsewhere. Whilst they have powers of arrest with regard to offences against park regulations and open space legislation they do not have such powers when they are outside these areas. Outside of such areas they only have the same powers as anyone else to make an arrest, these are known as “any person” powers.

There is no evidence that any staff exceeded their powers in this respect.

The recommendation is that we make it clear to all Community Constabulary officers what powers they have and that we work with the Police to determine the best way of providing Crime and ASB services within Newham.

Allegation that Community Constabulary carry Batons (ASPS)

The investigation found that management were clearly against any member of the Community Constabulary carrying ASPs. However there appears to be some reluctance to comply with that management direction by some members of the Community Constabulary.

Accordingly the recommendation is that the Council takes a clear policy view on this at the highest level in order that there can be no question in everybody's mind as to the Council's stance.

Allegation that the Community Constabulary use the word "police", have vehicles fitted with blue lights and wear a uniform which is similar to a Police Officer's uniform

The investigation found that the Community Constabulary must be very clear that they are not Police Officers. Neither must they give the impression to the public that they are Police Officers.

The investigation found that whilst vehicles fitted with blue lights were permitted in the Council's parks a vehicle was not permitted to be fitted with a blue light outside the park.

With regard to the uniforms, the investigation found that the public needs to know the difference between a Police Officer and Community Constabulary Officers and therefore recommends that the Council should review the uniform worn with the view of making it easy to differentiate from that of Police Officers. With regard to blue lights, the recommendation is that we review whether any of our vehicles should be fitted with blue lights.

Allegations concerning the confusion with the framework with which the Community Constabulary operates

The investigation found that there was a lack of clear procedure manuals or codes of practice to give staff clear direction and guidance on their roles.

Accordingly the investigation recommends that the Council should be very clear as to what role and duties the Community Constabulary should carry out and that this should be documented in detail so that individual officers know how to handle specific situations. The investigation recommends the same with regard to the Control Room staff and possibly the Community Warden service.

In addition the investigation concluded that the Council should review the job titles afforded to the roles of the Community Constabulary as the use of titles or ranks similar to that of the Police could add an additional confusion in the eyes of the public.

It is possible for the Council to enter into an agreement with the Independent Police Complaints Commission with regard to extending their jurisdiction to complaints received by the Council in relation to the conduct of our Community Constabulary Officers and the investigation recommends that the Council considers doing so.

Allegations concerning Officers abusing or exceeding powers

In the main the investigation did not find sufficient evidence to reach a conclusion on the allegations concerning abuse of powers. It found that in some cases concrete information in terms of date, times, places, etc is lacking.

However, certain recommendations are made with regard to these allegations. In particular if the Council is to ask for names and addresses from anyone spoken to by the Community Constabulary that a leaflet should be prepared explaining that there is no obligation to give

any details and explaining what happens to the information once it is given. It is also recommended that the Council reviews its registration with the Information Commissioner.

Allegations concerning management of the service

The investigation found low morale and poor credibility for managers.

In addition, the investigation is critical of the recruitment practices followed by the service in particular the appointment of staff on fixed term contracts and what is seen as an overuse of the internal only recruitment procedure.

The recommendation is that the service should only use temporary contracts where a position is truly temporary and will last for less than 12 months. That the Council's recruitment procedure should be clear on when it is appropriate to go for external advertisement and that managers should be able to put forward an appropriate case for external recruitment. Managers should receive training or further training on the Council's recruitment process and only they should take part in any recruitment. Selection tests in addition to interviews should be considered to select the right staff and to ensure that appropriate support is given to the service to ensure that recruitment processes are transparent, fair and in accordance with best practice.

In addition the investigation found that if at any point that a member of staff was asked to act up into a particular position this should be done with transparency and based on criteria which can be understood by all those affected.

Criticism of communication within the service

The investigation found that there was no comprehensive system for communication within the service and recommends that it needs to introduce systems to communicate with staff such as team meetings, briefings, staff meetings, newsletters, supervision sessions, etc.

Concerns with regard to performance management

The investigation found that the service needs to institute a comprehensive performance management system to link work and targets with the services' objectives. In addition, staff should be involved in developing the Service Plan and there should be a system for regular monitoring of performance.

Concerns with regard to training of the Community Constabulary

The investigation found that there was no system for carrying out a training needs analysis and whilst training had improved, there is some criticism within the investigation of a lack of responsibility amongst the staff to accept their responsibilities with regard to training as well. It is recommended that managers should institute a process of training needs analysis and there should be a training plan for each member of staff. In addition a suitable management development programme is recommended.

Allegations concerning management style

The investigation found there was mixed views amongst the staff on the management of the service but a significant number did perceive management as bullying and/or unapproachable.

Appropriate relationships and standards of conduct amongst colleagues was also found to be lacking.

The recommendation is that all managers and staff should be reminded of the standards of behaviour and mutual respect which the Council expects from all its staff.

Allegations of favouritism

There were some allegations regarding the number of family relationships within the service and the recommendation is that the Council should develop a policy governing personal relationships in the work place and line management arrangements in such circumstances. Additionally, it recommends that there needs to be a clear and transparent policy for the allocation of overtime, greater use of external adverts and proper documented policies and systems for decisions concerning the granting of leave.

Allegations of racism

The investigation received a number of allegations linked to this. However, the investigation found that getting concrete evidence of what was alleged was difficult but does conclude that a number of black and Asian staff in the Constabulary clearly feel that they have been treated differently from their white colleagues and also feel that they have been bullied by some white colleagues.

The recommendation is that all staff must be made aware of diversity issues and how they impact on the service. Managers must ensure that they consider equalities implications of all managerial decisions they make in terms of training, recruitment, disciplinary or other managerial issues. In addition, there is a recommendation that the Council considers whether it is appropriate to use the training provisions in the Race Relations Act to develop black and minority ethnic staff to help redress the imbalance in the service. Likewise similar provisions in the Sex Discrimination Act.

Furthermore the investigation concludes that the service should issue clear guidance to all staff on the conduct expected amongst all colleagues.

Allegations with regard to disciplinaries

The investigation found that there appears to have been a disproportionate use of suspension in the service. In addition, the Investigator only heard of black and minority ethnic officers being suspended. Conversely, the investigation also notes that they had seen evidence of an Asian member of staff being treated more leniently than appeared was warranted. It also found inconsistent application of disciplinary procedures.

The recommendation is that all supervisors must be properly trained on the Council's Conduct and Capability Procedure and that no manager should take any action under those procedures until they have received the appropriate training. Managers need support and coaching in how to deal with staff and how to manage them without immediate recourse to

the formal procedures were possible. In addition, the application of the procedures needs to be monitored to ensure consistent application.

Allegations with regard to procurement

These allegations were largely dealt with by an Internal Audit report which found that there was no evidence of criminal activity but a lack of a control framework and failures to comply with the Procurement Code of Practice and Financial Regulations.

Accordingly, the investigation recommends that the management action plan agreed following the Internal Audit report must be implemented as quickly as possible and that the Council should consider whether Internal Audit should repeat their review in 12 months time to ensure the integrity of the systems put in place.

In addition there is a recommendation that the Council considers revising its Officers' Declaration of Interest form to make it clear exactly what interest should be recorded, particularly with regard to membership of the Freemasons.

Allegations concerning use of a Council vehicle

The investigation recommends that the Council should have a clear policy to govern the use of vehicles which regulates whether such vehicles may be used for non-Council business and the level of authority needed to sanction such use.

The report concludes that the focus of the investigation was only on part of the Crime and ASB Division and only a small part of the Council's overall services. It finds that the way in which the service has developed does not appear to be either appropriate or what was intended under the Moving to Excellence programme.

A comment that managing the service out of the situation will be a major task requiring a high level of managerial skills.

As stated above, despite the scale of the task the investigation concludes that there are grounds for optimism. Amanda found that staff were all very committed to the work that they do and to working for the Council. They want the problems highlighted in the report to be resolved and the service to move forward. Most of all they want the atmosphere to improve and to be able to get on and do the job they are employed to do without distractions.

As Chief Executive I appreciate that it is important for staff, managers, the Council and our local communities that we ensure this important service is operating effectively. Accordingly, an action plan has been agreed to take the recommendations forward. Many actions have been implemented already and the action plan is available on the Council's website as well as the report of the investigation.

Dave Burbage
04.10.05