

**Leighton Andrews AC / AM**  
**Y Gweinidog Addysg a Sgiliau**  
**Minister for Education and Skills**



**Gwenda Thomas AC / AM**  
**Y Dirprwy Weinidog Plant a Gwasanaethau Cymdeithasol**  
**Deputy Minister for Children and Social Services**

Llywodraeth Cymru  
Welsh Government

Cllr Jamie Adams  
Leader, Pembrokeshire County  
Council  
County Hall  
Haverfordwest  
SA61 1TP

12 June 2012

Dear Leader,

We write to express our continuing grave concerns about your authority's safeguarding arrangements.

We remind you that section 175 of the Education Act 2002 ("the 2002 Act"), requires your authority to make arrangements for ensuring that the authority's education functions are exercised with a view to safeguarding and promoting the welfare of children. The authority must also, in accordance with section 28 of the Children Act 2004 ("the 2004 Act") make arrangements for ensuring that a) its functions (other than education functions to which section 175 of the 2002 Act applies) are discharged having regard to the need to safeguard and promote the welfare of children; and b) any services provided by another person pursuant to arrangements made by the authority in discharge of its functions are provided having regard to that need.

Your predecessor as Leader, Councillor John Davies, assured us in his letter of 9 September 2011 that the authority was taking seriously the findings of the joint investigation by the Care and Social Services Inspectorate, Wales (CSSIW) and Estyn into safeguarding arrangements. He reported that Pembrokeshire County Council has the 'will and capability to implement the required improvements' in safeguarding arrangements.

We have provided support and challenge to the authority, firstly in the form of the Ministerial Advisory Board whilst the authority drafted its improvement plan and then the Pembrokeshire Ministerial Board (PMB) for the implementation phase. You will be aware of the PMB's remit.

We write to inform you, however, that despite that support, the PMB inform us that progress in improving safeguarding arrangements for children in Pembrokeshire is still worryingly slow. The indications are that senior officers in the authority, do not accept the need to change the authority's approach to safeguarding. On occasions, chief officers appear either not to know what is happening in the authority's schools or do know but then fail to disclose

information appropriately (to the PMB or other officers or Council members) or take appropriate action.

On 27 May 2012 the PMB advised the Welsh Ministers that in its view senior officers in the authority do not see the need for change in the culture and modes of operation which it has always followed. On the contrary, it wishes to see them preserved. The PMB concluded that:

“The logical consequence of this situation is that the PMB is placed in the position of being unable to perform, in relation to the officers, the role for which it was appointed. It is not possible to be a productive "critical friend" to a person who essentially does not wish to be befriended. Indeed, there is the further consideration that persistence by the "friend" in such a relationship in effect colludes in the maintenance of the status quo”.

It is with great disappointment and growing concern that we continue to receive reports of failings in the education service’s safeguarding arrangements, senior officers’ role in that failing and the authority’s failure as a whole to address the issue.

A number of concerning issues have come to our attention relating to the authority’s handling of safeguarding matters. They include the following:

- a) a letter from the Chief Executive of the authority to Her Majesty’s Chief Inspector of Education and Training and to the Care and Social Services Inspectorate Wales (“CSSIW”) dated 2<sup>nd</sup> September 2011, in which the authority assured Welsh Ministers that all people coming into contact with children on behalf of the authority had been the subject of appropriate employment checks. An undated note from the Head of HR was sent to headteachers at the start of the autumn term 2011 requiring that *“with regard to volunteers..(all) individuals will require a valid CRB check and two written references in place prior to the start of volunteering. The necessary documentation relating to CRBs should be forwarded to HR in the same way as for employees, and the local manager/Headteacher will have the responsibility for obtaining references – which should then be forwarded to HR where they will be logged and filed”*. In December 2011 the Welsh Ministers learned from CSSIW that volunteers had not been properly vetted. The findings from the joint CSSIW and Estyn work were set out in correspondence to the Chief Executive dated 12 December 2011, which reported that “Only a small number of the records in HR had evidence of references being obtained. None of the authority’s staff were able to say whether two references had been obtained for the majority of volunteers, or if these volunteers were in fact already working with children, as they did not know”. Therefore, the Welsh Ministers can have no confidence in the authority’s ability to comply with its own policies, procedures and statutory requirements regarding the checking of people coming into contact with children on behalf of the authority;
- b) in June 2009 a complaint was made by an advocate of a pupil at the Pupil Referral Unit (PRU) in Neyland. That complaint revealed that

children were being locked in a small time out room, with padded walls, and floor, with no natural light and ventilation. Despite an initial investigation and police recommendations, no disciplinary investigation has ever been carried out by the authority;

- c) the authority has still not dealt with some of the governance issues, in particular the commissioning of the time out room in the PRU and the competence and disciplinary issues arising from this case, despite agreeing to expedite this at a meeting with CSSIW in January 2012 and a recommendation to do this in the March 2012 report of the Senior Management Review Group on the Review of the Investigation into allegations regarding the Pupil Referral Unit in Neyland. This stated *“Recommendation re Disciplinary Action. That the original recommendation by the police in the meeting of July 21<sup>st</sup> 2009 “that conduct and disciplinary issues be followed” should now result in a disciplinary inquiry”*.

Following a meeting in April 2011, in May 2011 CSSIW wrote to the authority's Chief Executive seeking information about the child protection investigation relating to the PRU, specifically *“Two other schools/educational establishments were identified as operating locked time out rooms. Whilst at least one of these rooms was described in our meeting as very different in size and facilities, did the s47 investigation include making enquiries about the policy and practices in place in these two schools?”* and

*“Were enquiries made as to whether any children had been locked in these rooms on their own and for what periods of time, whether these incidents were monitored at all times and that full dated and signed records were kept of all such incidents? If not, please explain why”*.

Later the Board asked the authority for assurances that there were no other rooms like the padded room in the Neyland PRU in the authority, and that children were not being locked up. No satisfactory assurances have been received;

- d) A number of the assurances provide by the authority have proved to be manifestly unreliable;
- e) the authority issued a press statement on February 8 in the Western Telegraph which stated that ‘no other school in the county has a similarly used facility’ to that in padded room in the Neyland PRU. However, the PMB has discovered a very similar padded room at a primary school in the county (Pembroke Dock). Furthermore, this school had two other windowless rooms in which, according to records kept by the school in relation to the use of these rooms, children were routinely locked. The new head teacher discontinued this practice and modified the rooms, but we understand that she faced considerable opposition doing so. In the PMB's view, the existence and use of these rooms would have remained undisclosed but for the PMB's visit to the school. We have since heard that there are, or have been, at least five rooms in which children were locked in the county and there may be several more. We understand that there is no evidence of records kept in relation to the use of these five rooms;

- f) On 26 May 2012, it came to the PMB's attention that there are at least a further 18 rooms which apparently were being used for "time out" purposes in other schools in Pembrokeshire. It would appear that the authority has only recently become aware of the existence of these further rooms as result of the audit it carried out as a direct consequence of the PMB's 'discovery' of the additional rooms at Pembroke Dock School. However, the authority's education service did not disclose the existence of these additional rooms to the PMB when they became known to it. The PMB came to know of their existence as a result of information provide by the authority's Head of Children's Services. It would appear that the Head of Children's Service had not previously known of their existence, which is indicative of the PMB's view that the authority's Education and Social Services departments work in 'silos' and there is a disconnection between them at both strategic and operational level. This incident is also indicative of the authority's failure to inform and consult with the PMB appropriately;
- g) in March 2012 an allegation was made about a teacher at another school (Meads Infant School) tying a child's hands behind his back. However, the PMB was not told about this until the evening before the story was to be reported in the press. The Director of Education did not step in when the school failed to take appropriate action until urged to do so by the PMB five days later;
- h) the PMB asked for assurances that all those coming into contact with children over the Christmas period last year had been vetted where relevant. In response, the Director of Education instructed schools in Pembrokeshire to conduct CRB checks on all volunteers dressing up as Father Christmas for the schools' festive activities. However, volunteers being used on a one off basis, or less than three times in a 30 day period, do not need to be checked. We would expect, therefore, that a Director of Education would know that it was not necessary to insist on checks for volunteers dressing up as Father Christmas and we would have expected the Director to have addressed his mind properly to this issue before issuing such instructions.
- i) the minutes of a meeting containing sensitive information about 25 cases of allegations of professional abuse were published on the authority's website on 14 December 2011. These were subsequently reported in the press; and
- j) the report of the Senior Management Review Group on the Review of the Investigation into allegations regarding the Pupil Referral Unit Neyland, was not shared with the full Council by the Leader and elected members report that they were unaware of the Review.

For the avoidance of doubt, the proper use of time out rooms and similar may be appropriate for children with certain behavioural problems and/or additional learning needs. It is **not**, however, appropriate for children to be locked in such a room, other than in the most exceptional circumstances, for brief periods and under supervision. It is **never** appropriate for such rooms to be used or constructed for the purposes of detention or punishment. Use of such

rooms must always be recorded. Since such practices may also constitute criminal offences, the evidence we have seen has been passed to the Police.

All of this should be self-evident to any competent professional. No authority should have to wait for instructions or guidance from the Welsh Government or others on these matters. Nevertheless, your authority frequently asks for advice before acting, or justifies actions by saying it had not received guidance to the contrary.

The issues listed above are a very discouraging catalogue and it appears that there is an inability, or an unwillingness, on the part of senior officers of the authority to get to grips with the real problems. The PMB reports that any overt co-operation by senior officers is generally little more than window dressing. Actions tend to be reactive, and are only taken under prompts from the PMB, the inspectorates or Welsh Government. There also remains within the authority a culture where elected members seem unable to submit officers to proper scrutiny and challenge, and officers and front line staff are afraid to disclose concerns.

In light of all of this, we wonder what confidence you, or for that matter, we, can have in your senior officers. We would like you to provide us with the reasons why the authority acted as it did in each of these cases, and what actions the authority has put in place to prevent further repetitions. In particular, we wish to know:

- why, three years after it was discovered that children were being locked in a padded room in the PRU, no appropriate investigation has ever been taken;
- why the authority has never answered to the PMB's satisfaction, questions about the existence and use of similar rooms in the authority;
- if the authority did not know the answer to these questions, we would like to know why it did not, and why it was only when the PMB learned by chance of the rooms at Pembroke Dock Blue School that the authority commissioned a perfunctory, physical audit, rather than also aiming to understand how the rooms were used;
- who commissioned or authorised the use any of these rooms;
- who did know about the rooms, and what was done with that information;
- and
- why were proper records not kept of the use of each of these rooms?

We would also like evidence of:

- whether the Director of Education was operating in accordance with statutory guidance or the authority's own guidance in his instructions for checks on volunteers in schools (both in terms of retrospective references and Santas), and if not, the policy that he was following;
- why the Director delayed, until prompted, in taking action in the case of the Meads Infant School incident;
- what is the Director's justification for not ensuring that schools did not continue to use rooms like those revealed to the PMB; and
- the authority's approach to whistle-blowing.

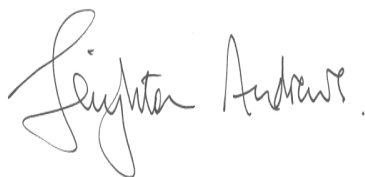
We require that you respond to these concerns by 5pm on 22<sup>nd</sup> June. In doing so, please be reminded that this list is only provided as an illustration

and that there are many more examples of failings. Your authority will be aware of the wealth and strength of the concerns as the PMB and the inspectorates have repeatedly brought them to the authority's attention. We must be satisfied that children in Pembrokeshire are safe, and will continue to be safe after the Pembrokeshire Ministerial Board has left. Therefore, your response must satisfy us not only that you are capable of addressing these specific concerns, but also that the service will be managed in ways which ensure that any future concerns are properly and swiftly addressed.

Welsh Ministers have a wide range of powers of direction including, but not limited to, sections 496 to 497A of the Education Act 1996. Those powers of direction have been exercised previously to direct the authority on 16 August 2011. We have made it clear that, unless there is evidence of real and sustained improvement in the areas highlighted by the report of the joint inspection by CSSIW and Estyn, published in August 2011, we will issue further directions in order to secure that improvement. At the moment we do not see evidence of that improvement and our preliminary view is that your authority is failing in its safeguarding duties set out in section 175 of the Education Act 2002 and potentially section 28 of the Children Act 2004. At present we are minded to make a direction that would give the Chair of the PMB the power to issue such instructions as he considers reasonably necessary to secure that your authority adequately discharges its safeguarding duties. Your authority would then have to comply with any such instructions issued by the PMB Chair.

However, before we decide that such a direction is necessary we want to give the authority the opportunity to comment in respect of the issues outlined in this letter. We will consider any comments made by the authority and all other relevant factors before making any decision to issue a Direction.

We look forward to your response, by 5.00pm on Friday 22 June 2012.



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