

CABINET**Monday 1 April 2019 at 5.00 pm****MINUTES****PRESENT:****Cabinet Members:****Portfolio:**

Councillor Matthew Bennett	Cabinet Member for Planning, Investment & New Homes
Councillor Jennifer Brathwaite	Deputy Leader of the Council (Children and Young People)
Councillor Edward Davie	Cabinet Member for Health and Adult Social Care
Councillor Jim Dickson	Cabinet Member for the Voluntary Sector & Partnerships (job share)
Councillor Jacqui Dyer	Cabinet Member for Jobs, Skills and Community Safety (job share)
Councillor Paul Gadsby	Cabinet Member for Housing
Councillor Claire Holland	Deputy Leader of the Council (Environment and Clean Air)
Councillor Jack Hopkins	Leader of the Council
Councillor Mohammed Seedat	Cabinet Member for Jobs, Skills and Community Safety (job share)
Councillor Andy Wilson	Cabinet Member for Finance and Performance
Councillor Sonia Winifred	Cabinet Member for Equalities & Culture

1. DECLARATIONS OF PECUNIARY INTEREST

There were none.

2. MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the previous meeting held on 4 March 2019 be approved and signed by the Chair as a correct record of the proceedings.

3. BUDGET AND PERFORMANCE REPORT FOR QTR 3 2018/19**RESOLVED:**

- (1) To note the budget monitor.
- (2) To consider performance for Q3 as a whole and the Key Performance Indicators (KPIs) that have been highlighted as being of concern.

4. LAMBETH CHILDREN'S HOMES REDRESS SCHEME UPDATE

The Leader of the Council, Councillor Jack Hopkins, introduced the report and highlighted that:

- The Redress Scheme was the first of its kind in the country and no public body had ever done anything like this on this scale before.
- Everybody involved had the same desire and commitment to make sure the system was as quick and efficient as possible for claimants and that they were all dealt with fairly and as quickly as possible.
- That the past behaviour needed to be addressed and put right, in any small way it could and the Leader and Council was committed in ensuring the Scheme was successful for claimants.
- The Scheme had received more than 1,100 applicants so far and around £8.5m in compensation was paid in the first year and was being delivered much quicker than civil claims would be.
- The Scheme was not perfect for everybody, nor would it address all the questions or problems people had.
- It was a very difficult process that has not been done before and the Council were bound to find frustrations along the way, but would learn from these.

Officers added:

- There was a lot of detail in the papers, the Equalities Impact Assessment was an important part of the work which was completed as part of an overall review.
- The system in place for administering applications was done in a timely and efficient way and broadly in line with expectations.
- More work was being done to investigate those who were placed in specialist units and ensure they or their families could make a claim.
- The Scheme had been advertised widely, outside of London and in specialist publications, recognising that many of the claimants would not live in Lambeth.

Amy Clowrey (Switalskis), and Malcolm Johnson (Hudgells) made the following representations to Cabinet:

- The Council had decided to set up the Scheme with good intentions but was now being weaponised by the lawyers.
- Many applicants were extremely vulnerable and they should be treated fairly and sensitively across all aspects not just financially, but emotionally as well.
- It was understood that the Scheme was set up outside of the normal court route, and intended to provide a smoother alternative to the courts and lawyers working for the Council should be reminded of that.
- We were trying to give some voice to those who had suffered horrific abuse at the hands of the Council.
- Kennedy's and the Director of Legal and Governance were responsible for the implementation of the scheme and were in attendance at the meeting tonight.

Lucia Hinton (SOSA) and six SOSA members made the following representations to Cabinet:

- It was not helpful that the files were being redacted and sent to people with no explanation.
- The experience of applicants to the Scheme was not as portrayed and that there were long delays.
- It was shocking that Lambeth did not recognise race as a strand but as an aggravated feature.
- The process was being slowed down intentionally so the Council could pocket the money

for itself.

- The Scheme showed clear disrespect of survivors by the process and timeframe that it operated on.
- In 2017 at the Cabinet meeting, SOSA members made a number of allegations with regard to the scheme not operating effectively and without consideration of the survivors, and these allegations had been proved correct.
- The Council lawyers were dragging out the Scheme, and the high fees were due to unreasonable behaviour to applicants' solicitors.
- Low offers were being made on purpose to frustrate the process and ensure money was not being paid to applicants.
- The Cabinet should demand action now to fix the issue as 68 claims since the scheme was launched was unacceptable with an average time of seven months.

The members from SOSA shared personal stories of their horrific abuse that took place in children's homes.

In response to questions from Cabinet, officers advised the following:

- All those who applied to the scheme were entitled to legal representation and if people were unhappy with their offer it can be reviewed by an independent panel.
- The Council was satisfied with the rates its external solicitors were charging and were satisfied that they provided value for money. The Council would continue to monitor the legal costs as the Scheme progressed.
- Advertising the Scheme widely would continue.
- The Harm's Way Payment was administered quicker. The IRP took longer to process because medical evidence was required in order to assess the correct level of the payment.
- The average time for settlement was seven months but some larger claims took longer due to medical evidence needing to be provided. The Council had to ensure the right level of compensation and in some cases it took time to consider and accept offers.
- Oxleas were commissioned to provide support and as part of the 12 month reporting this was being reviewed. Using counsellors closer to their home address was being explored. The emotional support was important to the Council and it needed to ensure this support was in place.
- Since January the Council has worked closely with people in specialist units and had appointed a social worker to work with them.
- The Council was working with our advisors to make sure it advertised as far as possible. The Council was working with survivors and with an independent consultant, providing people who have been through the Scheme to make suggestions as to where things could be improved.
- The Council received a huge number of requests for records and is committed to providing these.
- Redactions were being carried out in accordance with the Data Protection Act. Historically there were family files so there was information about siblings and other third parties. Some of these references needed to be removed. Sometimes it looked like a lot had been taken out but this material was in reference to other people. The team was committed to providing the information but it was appreciated that it could sometimes be difficult to read.
- All applications received in the two years would be processed. If an applicant submits in time it would be dealt with.
- 500 people had given equalities information but this was not a complete record. The

Council could not insist on ethnicity information being supplied.

- The Council had paid 68 claims in 18 months. Each was dealt with on a case by case basis. Some will apply for a HWP first and this will be processed. If they did move on to an IRP additional evidence was required to deal with that.
- Overall the claims were dealt with in a very reasonable time and a civil court would take much longer.

In summary the Leader of the Council, Councillor Jack Hopkins, addressed the meeting and said that:

- This was not the proper place for individual cases to be aired.
- That Cabinet colleagues vote on noting the report and processes, after much challenge from survivors, with the following provisos:
 - to pay more attention to speed and swiftness;
 - to ensure that the compensation fund go to survivors and not lawyers;
 - to review having challenge or competition of the Council's legal representation to ensure value for money, pending any legal issues with doing so;
 - whether the Council's offer could be improved with the inclusion of a 24/7 telephony service for survivors;
 - to ensure that SAR and information requests were proportionate to the ICO and their effect on survivors;
 - to ensure that the Council had proper understanding of timeframes so that it could be confident that survivors' applications were not unnecessarily delayed and where delays in system might be found, to correct and eliminate these;
 - to take on-board improvement of processes; and,
 - to publish performance and the measures by which the scheme was successful and to make these available online to ensure transparency.
- It was also noted that the IICSA may well uncover further information for survivors, but that Lambeth's Redress scheme would benefit other survivors in the UK; with the Council committed to co-operate fully with the IICSA.
- To make and be open to improvements of the Redress Scheme in future.

RESOLVED:

1. Cabinet to note the contents of this report.
2. Cabinet to note the revised EQIA and ongoing equalities monitoring that is in place to ensure the Council continues to manage the operation of the Scheme with due regard to its obligations under equalities and human rights legislation.
3. To receive a report to Cabinet in September 2019 to consider the operation of the Scheme as at eighteen months.

The meeting ended at 6.35 pm

CHAIR
CABINET

Date of Despatch: Friday 5 April 2019

Call-in Date: Friday 12 April 2019

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