

## **LONDON BOROUGH OF BRENT**

### **MEETING OF THE EXECUTIVE – 12 NOVEMBER 2003**

#### **REPORT FROM THE DIRECTOR OF HUMAN RESOURCES AND DIVERSITY**

**REPORT TITLE: INVESTIGATION INTO THE ABSCONDMENT OF PATRICK MULLINGS FROM AN EDUCATIONAL VISIT BY HAY LANE SCHOOL**

## **1 SUMMARY**

- 1.1 This report seeks approval to the recommendations contained in the attached report into the investigation into the abscondment of Patrick Mullings from an educational visit by Hay Lane School which ended in a fatal incident on the railway near Kenton Station. The recommendations are endorsed by the Director of Education Arts and Libraries and the Director of Social Services and will be incorporated into their respective service plans.

## **2 RECOMMENDATIONS**

It is recommended that:

- 2.1 Members endorse the recommendations as set out on pages 36-39 of the report.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 Recommendations to the Director of Education Arts and Libraries have been planned for as part of the service planning process in that Directorate as a result of which £50,000 per annum has been identified for the recruitment of health and safety advice and assistance, the commissioning of new guidance on educational visits and the appointment of an outdoor education advisor.
- 3.2 The capital budget may need to be reviewed with the view to identifying resources to address initial security needs if deemed necessary. A review of emergency procedures will be undertaken using existing resources by the end of November.
- 3.3 The recommendations to the Governing Body of Hay Lane School will be funded from within the school's base budget and by giving priority to the training priorities recommended within the school's staff training programme. Educational visits will not be arranged until the guidance and training has been delivered to the staff involved.

- 3.4 The recommendations for Social Services will be implemented within existing resources. Changes to and reinforcement of procedures will be a priority for staff working at resources providing respite care.
- 3.5 The requests to other organisations have no financial implications for the Council.
- 3.6 The direct cost of the investigation is being funded from the Education Arts and Libraries budget and amounts to approximately £5,000 for the transcription and printing services provided to the investigation.
- 3.7 The larger cost of the human resources devoted to the investigation has had to be met from the base budget for health and safety advisory services. The impact of this has been to divert resources away from advice and assistance with the planning of the implementation of new duties placed on the Council by recent health and safety legislation. This is highly undesirable and it is proposed that this negative impact can be avoided in future by establishing a convention that investigations of this magnitude can be funded via overspend approval from the Executive should this prove necessary. This will facilitate forward planning and the acquisition of additional resources to assist with the investigation or existing high priorities. The human resources over and above those outlined in 3.6 are estimated to have cost in the region of £10,000 in real terms spread over the 2002/3 and 2003/4 financial years.

## **4 STAFFING IMPLICATIONS**

- 4.1 The aim of the majority of the recommendations is to build the confidence of our teaching and care staff to continue to offer educational and recreational visits to our pupils and looked-after children. This is in the light of the growing expectations of parents and others regarding the amount of time that needs to be invested in the planning of these activities. This is important to contrast with the national debate, which has industrial relations implications, on whether teachers should continue to organise visits. In contrast to the publicity over the recent case where a teacher was jailed after being found guilty of manslaughter in this incident HM Coroner found “not one scintilla of evidence of neglect”. It is therefore imperative that the underlying causes of this abscondment are addressed through improvements in systems so that teachers and carers can continue to have confidence that, whilst it cannot be entirely removed, the risk of a reoccurrence of this type of incident has been reduced as far as is reasonably practicable.

## **5 LEGAL IMPLICATIONS**

- 5.1 The duty under the Health and Safety at Work etc Act 1974 to ensure the health and safety of pupils in the care of community and community special schools in Brent is placed primarily on the Council as the employer.
- 5.2 The Health and Safety Executive which enforces the Act in respect of local authority activities has taken the view that in this instance, on balance, the Council has fulfilled the standard of its duty i.e. to do all that is reasonably practicable to ensure health and safety. HSE Inspectors' guidelines recommend that inspectors in these circumstances encourage local authorities to undertake their own investigations to learn lessons and identify opportunities to improve health and safety.
- 5.3 Nationally Government Ministers have expressed concern, whilst emphasising the value of educational visits, at the number of deaths that occur on educational visits which is contrasted with a very small number of deaths in school. The Government issued new guidance in August 2002 and made grants to Councils to promote training of teachers in co-ordinating educational visits. The new guidance was in the process of being communicated to schools at the time of the incident so were not taken into account by the Inspector. However, in practice, these developments represent a raising of the standard of what is reasonably practicable in organising safe educational visits. Consequently the Council is duty bound to implement the new guidance and the other recommendations arising from the investigation in order to maintain or improve on its current legal compliance.

## **6 DETAIL**

- 6.1 The report into the investigation describes in detail the circumstances of the abscondment of Patrick Mullings from an educational visit by his class from Hay Lane School to a drama workshop at Kenton Methodist Church Hall, Woodgrange Avenue, Kenton on 26 September 2002. The workshop had been organised by Special Connection a charity set up to promote integration through drama. The sequence of events is set out on pages 10-14 of the report.
- 6.2 The findings of the investigations by the British Transport Police, Railway Inspectorate and HSE and the verdict of the jury at HM Coroner's Inquest are set out in pages 4 – 6. The scope of the Council's investigation is covered in pages 7-9 and the investigative process is described on page 15.
- 6.3 The key issues and findings of the investigation are set out in pages 16-31. these lead to the conclusions on pages 31 – 34 and recommendations to the respective Directors on pages 36-39 and requests to other agencies on pages 39 and 40. The action already taken by the Council is described on pages 34 and 35.

- 6.4 The report concludes by acknowledging that the community has suffered a great loss of one its most vulnerable members. The underlying causes it concludes were not negligence but a random outcome of the various abscondments that Patrick Mullings succeeded in making in a variety of care settings. The report proposes, for reasons outlined at 5.3 above, that our standards need to be higher if we are to prevent a reoccurrence. It proposes that standards can be raised by working together effectively in partnership.

## **7 BACKGROUND PAPERS**

- 7.1 Report into the Abscondment of Patrick Mullings from an Educational Visit by Hay Lane School on 26 September 2002.
- 7.2 Catalogue of evidence referenced in the report

Anyone wishing to inspect the above papers should contact:

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