

**Councillor Chris Read – Leader of the Council**

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Councillor Chris Read

Mr Smith

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27<sup>th</sup> August 2019

Dear Mr Smith

**Council Meeting - 24<sup>th</sup> July, 2019**

At the Council meeting on 24<sup>th</sup> July, with respect to the recent independent investigation into Swinton Lock, you asked what governance under the Care Act 2014 RMBC put in place to ensure those with mental health issues were well supported and what was put in place to ensure identities were absolutely protected, and I said that I would respond to you in writing. I am sorry for the delay in doing so.

I am informed that because the investigation was conducted independently of the Council, the duty to assess capacity under the Care Act 2014 lay with the independent investigators. I understand that both of the investigators are trained social workers and all those who were interviewed as witnesses were there voluntarily, in many cases at their own request. I am advised that the location of interviews was discussed and agreed with them and they had a choice of what they viewed as a safe venue, that those interviewed were informed of the parameters of engagement with the investigation and asked if they wanted to proceed, and that the interview only proceeded if they confirmed their agreement.

Under the Care Act there is a duty to arrange an independent advocate to be able to represent and support an adult who is subject to an Adults Safeguarding Enquiry or Adults Safeguarding Review if the local authority considers that the person meets the relevant criteria. I am told that none of the people interviewed as part of this investigation were part of any Adults Safeguarding Enquiry or Adults Safeguarding Review, so this Care Act responsibility would not have applied. If this is incorrect in your case, please do let me know.

In relation to protection of identity, you stated in the Council meeting that you were a witness in the investigation and that you'd been assured that your identity would be protected but that the report has been leaked to newspapers. I would like to reassure you that protecting the anonymity of both complainants and witnesses has been and will continue to be of utmost importance to the Council. The report does not contain

the names or identity of any complainants or witnesses, and the Council has not provided any version of the report to the media. The copies of the report given to those complainants who were legitimately entitled to them were appropriately redacted. I for one did not know that you were one of the witnesses until the Council meeting.

I should like to reiterate my personal sadness for the terrible threats and experiences that you described at the Council meeting. I cannot imagine how difficult they must have been for you and your family. I don't know if you were describing recent events or not, but if you feel that there is action I should take in relation to those then please do let me know.

I do hope that this helps to give you some reassurance.

Yours sincerely

A handwritten signature in black ink that reads "C. Read". The signature is written in a cursive style with a horizontal line underneath the name.

**Councillor Chris Read**  
**Leader of Rotherham Council**