

Title of report: Children's services improvement plan

Meeting: Children and young people's scrutiny committee

Meeting date: Tuesday 1 June 2021

Report by: Chief Executive

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To note receipt of the non statutory Improvement Notice, establishment of Improvement Board and the involvement and role of scrutiny in the Children Services Improvement Plan.

Recommendation(s)

That:

- a) The improvement notice is noted;**
- b) The Committee reflects upon the establishment of an improvement board and what role it will play in ensuring that the improvements set out in the improvement notice are achieved;**
- c) The committee provides views on whether the chair of scrutiny should be a member of the improvement board; and**
- d) The committee agrees to develop a new approach to scrutiny and their role using best practice from other authorities who have had improvements boards in place.**

Alternative options

1. There are no alternative options:
 - a. The DfE have issued a non statutory intervention notice. If the council decides not to act upon the intervention notice, the DfE could decide to issue a statutory intervention notice or take action to move the children's social care service to a trust.
 - b. At a meeting of Extraordinary Council, it was resolved that as a result of the adverse high court judgement relating to children's social care that an improvement board be established.

Key considerations

2. Full council unanimously supported on 27 April 2021 the establishment of an improvement board as part of the assurance and improvement strategy following the High court Judgement.
3. The creation of an improvement board to oversee and monitor the implementation of the Children's Services Improvement Plan forms part of the strategy. Early engagement with the regulators enabled the Department for Education ("DFE") to agree to appoint a DFE advisor to chair the board.
4. Full council were advised that the DFE were considering what action they might take to ensure children receive the services they deserve. The type of intervention is dependent on the severity of the situation, how long the authority has been underperforming, and the perceived capacity for improvement. It was recognised that the DFE had a difficult decision to make.

Improvement Notice

5. On 18 May the DFE made their decision and issued the council with a non statutory improvement notice. Although the Minister, Vicky Ford MP recognised that the council was committed to addressing the serious concerns, she decided that the lack of progress and improvement to children's social care services since the 2018 Ofsted inspection; exacerbated by serious failings identified following Justice Keehan's High Court judgment (published 16 April 2021), notification of three additional cases of concern to be assessed by the court, and practice inconsistencies identified by Essex as part of a Partners in Practice high-level review last month necessitated intervention.
6. The non statutory intervention is set out in the notice (see appendix A). To comply with the notice the council is required to undertake the following actions by the end of April 2022 or sooner where appropriate;
 1. To work with the appointed Improvement Advisor, Gladys Rhodes White;
 2. To establish an Improvement Board chaired by Gladys Rhodes White;

3. To agree and submit to the DFE an improvement plan;
 4. To demonstrate appropriate and sustainable improvement in accordance with the plan.
7. The improvement plan must cover the following areas;
- a) Serious concerns in respect of the council's children's services, following failings outlined in the High Court Judgement published on 16 April 2021; in addition to other court cases coming up, where it is expected that further practice failings will be identified;
 - b) Failures in the leadership and management of children's services have been identified, along with evidence of poor-decision making, and drift and delay in some historic cases. Interim posts, (Director of Children's Services and Assistant Director), have been appointed to help stabilise the current leadership;
 - c) Essex Partners in Practice visit to the council in April 2021 identified longstanding issues of inconsistent practice;
 - d) Insufficient improvement has been made since Ofsted last inspected in 2018 and two subsequent visits in 2019;
 - e) recommendations from the DFE advisor.
8. To ensure there is clear evidence of progression the notice is clear that;
- the content of the improvement plan and a record of progress against it must be kept up to date;
 - the improvement board will oversee implementation and progress against the objectives in the plan, to a timetable agreed with the Department;
 - reports to the improvement board should include data, analysis and recommendations supported by evidence of the impact of improvements on the quality of practice and experience of children and families;
 - the council should highlight those objectives which are slow to progress and highlight where contributions need to be strengthened; and
 - the views of frontline staff and of children and young people will be taken into consideration in the development of practice and standards
9. Gladys Rhodes White will provide the DFE with a report on progress or concern on a 6 weekly basis.
10. The DFE will undertake reviews of progress against the improvement plan at least every six months and more regularly as appropriate. These reviews will cover culture, performance, leadership, management and governance, workforce management oversight, early help and multi agency arrangements.
11. The council will undertake a self assessment before these reviews which will include;

- a. Progress against the improvement plan objectives;
- b. Staff surveys;
- c. Staff supervision and feedback.

Improvement Board

12. The purpose of the Improvement Board will be to;
 - To oversee the implementation of the improvement plan that meets the requirements of the non-statutory ministerial improvement notice for Herefordshire Council.
 - To ensure resources are secured to facilitate the required improvements in a timely and sustainable manner
 - To ensure that services to children, young people and families in Herefordshire deliver consistently good outcomes.
 - To provide assurances to the Chief Executive, Leader of the Council, elected members, partners and service users that progress is achieved and maintained.

13. The draft membership is currently;
 - DFE Advisor - Gladys Rhodes White MBE
 - Chief Executive -- Paul Walker
 - Leader to the Council – Cllr D Hitchiner
 - Improvement Board Lead – Name tbc
 - Interim Director of Children Services - Cath Knowles
 - Solicitor to the Council - Claire Ward
 - Cabinet Member for Children & Families - Cllr F Norman
 - Chair of Childrens Scrutiny/Opposition Member Cllr C Gandy
 - Local Government Association - Claire Burgess
 - Safeguarding Partnership Chair (Independent Scrutineer) - Liz Murphy
 - Clinical Commissioning Group - Lisa Levy and Ellen Footman
 - West Mercia Police - Edd Williams
 - Principal social worker – Joe Davenport
 - Primary school representative - TBC
 - Secondary school representative – TBC
 - Minute taker - Caroline Marshall

14. The first meeting of the improvement board is being arranged for 14 June at 10.00 am to 12.00 noon. For the suggested full terms of reference see appendix B.
15. The standard items on the agenda each month for the board will be
 - Update on progress of the plan
 - Director report on Priority actions
 - Risk log
 - Input from partners
 - Staff reference group – feedback
 - Safeguarding partnership
 - DfE update
 - Communications
 - AOB

Scrutiny

16. Currently the chair of scrutiny is listed as a board member given the importance of ensuring that all parts of the system are involved and committed to the actions in the improvement plan. However thought should be given to how best to use scrutiny.
17. The current plan is that the Director of Children's Services report on priority actions, the DfE advisor's 6 weekly report and communications will be reviewed by cabinet and children scrutiny as standard items. This provides support and challenge to the Board by being able to bring to bear a different perspective on their priorities.
18. It is suggested however that rather than just reviewing progress reports (which after all will be being reviewed elsewhere) scrutiny develops areas of distinct work from the number of priority actions and explore issues and dependencies relating to those actions, identifying risks and pressures which might work against the council delivering improvements, and understanding what mitigations might be made. The Board will be driving forward the improvement but it is anticipated that the board would appreciate assistance in delving into some of the knottier issues and contributing to the work being undertaken to improve.
19. A more distinct role for scrutiny will prevent duplication. There is a risk that between cabinet and scrutiny some issues may fall between the gaps or, that scrutiny will shadow what cabinet is doing with little value. An early conversation with the DfE adviser will assist in identifying where scrutiny focus might lie.
20. At this committee's meeting on 20 May 2020 one item already identified was reviewing themes from notable cases and the care concerns emails. A standing panel will be established to oversee this work.

21. At the same time as agreeing how best to use scrutiny. There is also an opportunity to develop the role of the committee and seek support and guidance from other local authorities about the lessons their scrutiny committees have learnt from working with an improvement board. Developing key lines of enquiry and the effectiveness of questioning and challenge will strengthen the committees work.

Governance Structure

22. It is vitally important that the governance framework is understood.
23. The diagram below illustrates the following:

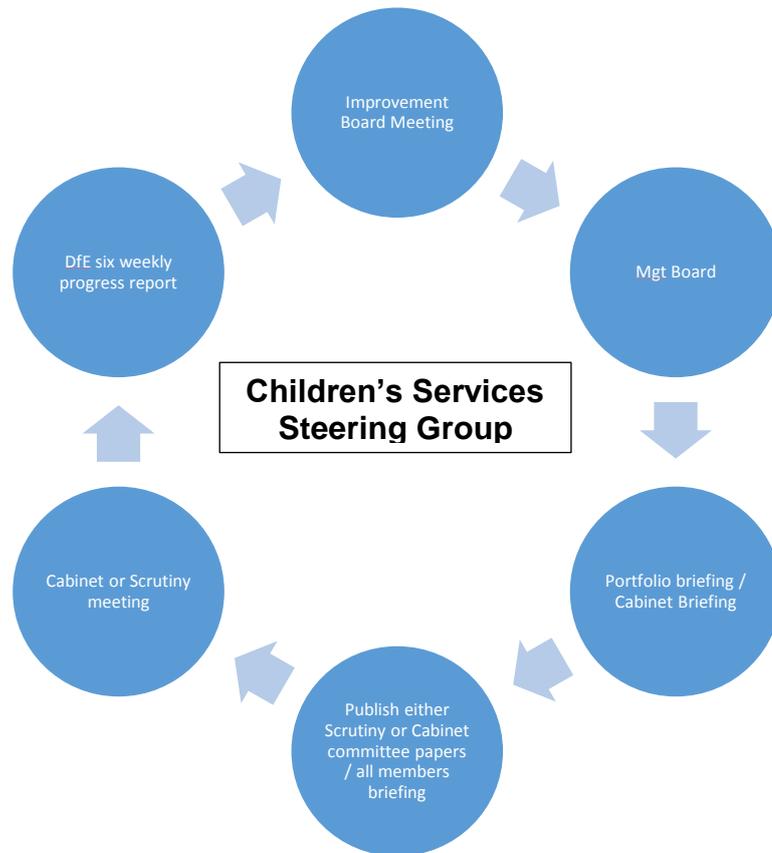
The Improvement Board is an internal body seeking to ensure that progress is being made and escalating areas of concern to the DFE, Cabinet and the Chief Executive. The Board will have a web page where all minutes of meetings and information will be published.

There will be a shadow board of officers, who will be the “engine room” working on the service improvements needed to necessary changes.

Cabinet are responsible for overseeing the plan and ensuring that progress is made as set out in the improvement notice. They are also responsible for the resource allocation. Cabinet members will be briefed informally as part of the normal cycle of portfolio and cabinet briefings.

The chief executive is responsible for making the changes necessary to improve the services. He is supported in this role by a children’s services steering group that meets weekly to ensure all aspects of improvement and risk is managed and co ordinated. Management Board also provide a check and balance to the plan and are advised of progress. A resources board is also in place to monitor spend and value for money.

Full council is due to have an update on the progress of the strategy and improvement work to date in October 2021.



24. It will be important that the cycle of work is quickly established. Currently it is timetabled over a six week rolling programme based on the activity below;

Week	Meeting
Week 1	Improvement Board meeting Children's services steering group meeting
Week 2	Management Board Children's services steering group meeting
Week 3	Portfolio Briefing and Cabinet Briefing Children's services steering group meeting
Week 4	Publish Cabinet / Scrutiny Papers / all member briefing / Improvement Board Children's services steering group meeting
Week 5	Cabinet or Scrutiny (alternating) Children's services steering group meeting

Week 6	Progress report to DfE Children's services steering group meeting
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Community impact

25. The notice requiring improvement will have both a direct and indirect effect on the lives of both the current and future children and families in Herefordshire.
26. Keeping children safe is one of the most important things this council does and the details in this report support whatever action is required to ensure children and families receive the services they deserve.

Environmental Impact

27. There are no environmental impacts.

Equality duty

28. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
29. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.

Resource implications

30. There are significant revenue resource implications for the improvement work required. There are no expected capital resource implications.

31. The resource implications are not included in the base budget. As detailed below the anticipated additional resource requirement for the next two years is £5.222m.

32. The improvement board will receive monthly reports monitoring spend incurred as part of the monthly update.

Revenue cost	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000
Improvement board	130	130	-	260
Support for family's	100	100	-	200
Legal	551	551	-	1102
External legal fees	525	325	-	850
Human resources support	364	289	-	653
Assurance and transformation	292	85	-	377
interim Staffing	890	890	-	1,780
TOTAL	2,852	2,370		5,222

Funding streams	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000
Ear marked reserves	2,852	2,370		5,222
TOTAL	2,852	2,370		5,222

Legal implications

33. The legal implications are already set out in this report.

Risk management

34. The notice is very clear should the council be unwilling or unable to comply with this improvement notice, or should ministers not be satisfied with the council's progress at any stage, ministers may choose to invoke their statutory powers of intervention (s497A Education Act 1996) to direct the council to enter into an appropriate arrangement to secure the improvements required in children's services.

35. Statutory improvement notices could be issued and more critical or enduring underperformance may necessitate the use of Statutory Directions compelling the

council to take certain actions. In extreme cases the DFE can direct partial or complete outsourcing of children services to a third party or the establishment of a children's trust.

Consultees

36. The leader, deputy leader and all of cabinet have been advised of the notice. Gladys Rhodes White and the DFE have been consulted on the draft Improvement Board terms of reference

Appendices

Appendix A – Covering letter and Improvement Notice

Appendix B – Suggested Improvement Board Terms of Reference

Background papers

None identified.