

Title of report: Children's services improvement journey

Meeting: Children and young people's scrutiny committee

Meeting date: Tuesday 7 September 2021

Report by: Interim Director for Children and Families

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To update the committee on progress concerning the Children's Services Improvement journey.

Recommendation(s)

That the committee:

- a) Reviews the attached 'directors update report' to the improvement board dated 9 August 2021 presentation at appendix A and considers any recommendations it wishes to make to the executive and/or the improvement board on the content;
- b) Reflects on progress following receipt of the non-statutory Improvement Notice in May 2021; and
- c) Considers areas of work for further scrutiny activity, reflecting priority actions.

Alternative options

1. The committee could chose not to review the progress of the children's improvement journey, but this is not recommended as the scrutiny committee has an important role in exploring issues and dependencies relating to priority actions, identifying risk and

pressures which might work against the council delivering improvements and what mitigations might be made.

Key considerations

2. Following children's scrutiny committee meeting of the 1 June 2021, in which the report set out in detail the background and events that led up to the minister Vicky Ford MP issuing a [non statutory notice](#) to improve.
3. Progress since the last report to this committee ([1 June 2021](#))

Improvement Board Update

4. The improvement board held its first meeting on 14 June 2021 and a subsequent meeting on the 9 August 2021; a terms of reference has been agreed together with membership.
5. Following discussions with the Department for Education (DFE) advisor, Chief Executive and the chair of scrutiny it was agreed that in order to maintain the independence of the committee and enable the committee to undertake their scrutiny activities of the board that the chair of children and young people's scrutiny committee would not sit on the improvement board as a member.
6. A core requirement of the improvement agenda is for the director of children services (DCS) to provide a regular 'Director's Update Report' see appendix A presented at the last improvement board on the 9 August 2021. For note the next improvement board is scheduled for the 13 September 2021.

Outcome of recent Ofsted focused visit

7. A planned focused visit by Ofsted took place on 7 July 2021, in line with the inspection of local authority children's services (ILACS) framework.
8. Ofsted's focus was on Children in Need or subject to a Child Protection Plan and looked at:
 - thresholds
 - step-up/step-down between children in need and child protection
 - children on the edge of care
9. The [focussed visit outcome letter](#) was published on 17 August and identified three areas for priority action these being:
 - Address inconsistent and variable social work practice to ensure that children are the focus of assessments, planning and interventions.

- The frequency and effectiveness of case supervision and the monitoring of children who are subject to child in need and child protection planning.
- Shortfalls in case-holding capacity for social workers, including newly qualified social workers, to allow them to respond effectively to children in need of help and protection.

Scrutiny

10. The committee has begun to review its work programme for 2021/22 and identified that additional meetings will be required to consider progress on the improvement process. The first such additional meeting is to be held on 7 September 2021.
11. Committee members have supplied details of their relevant experience and skills, and identified areas in which they feel training is required as part of a process to review and improve the training offer to the committee. Support is also being provided by the Local Government Association (LGA) and Centre for Governance and Scrutiny (CfGS).

Governance

12. The Improvement Board is to ensure compliance with the non-statutory notice issued by the DFE. It is proposed a web page containing all minutes of meetings and information relating to board will be published.
13. There will be a multi-agency operational board chaired by the DCS, who will be responsible for ensuring progress against the agreed improvement plan.
14. Cabinet are responsible for overseeing the plan and ensuring the 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.
15. Cabinet will receive a report at its meeting of 23 September 2021 with an update on the improvement programme and the outcome of the Ofsted visit.
16. The chief executive is responsible for making the changes necessary to improve the services with support from the DCS. 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.
17. Full council is due to have an update on the progress of the strategy and improvement work to date on 8 October 2021.

Community impact

18. The notice requiring improvement will have a direct and indirect effect on the lives of both current and future children and families in Herefordshire.

19. 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.
20. The county plan 2020-2024 includes the ambition to 'strengthen communities to ensure everyone lives well and safely together', specifically the council aims to:
- Ensure all children are healthy, safe and inspired to achieve;
 - Ensure that children in care, and moving on from care, are well supported and make good life choices; and
 - Protect and improve the lives of vulnerable people.

Environmental Impact

21. There are no specific environmental impacts arising from this report. The work of the committee will be undertaken with consideration to minimise waste and resource use in line with the council's Environmental Policy.

Equality duty

22. 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.
23. 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

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

25. The resource implications are not included in the base budget. The anticipated additional resource requirement for the next two years is £5.2m across all services; including direct children services and corporate support services.
26. The improvement board will receive monthly reports monitoring spend incurred as part of the monthly update.

Legal implications

27. The Council has been issued with a non-statutory improvement notice by the Department for Education on 18 May 2021. To comply with this notice the Council must comply with a number of measures and to summarise these include:-
 - Secretary of state appointment of an Improvement Advisor. The council will work with the adviser for a minimum of 12 months, and until such time that the Secretary of State is satisfied this is no longer required.
 - Implementation of an Improvement plan
 - Establishment of an Improvement Board with an independent chair (to be set up and chaired by the DfE Improvement Adviser).
 - Officials or advisers from the Department of Education will undertake reviews of progress against the improvement plan at least every six months and more regularly where appropriate.
 - The Department will offer dedicated improvement support through its Partners in Practice arrangements and may consider additional requests for support as part of the review process.
 - The Improvement Adviser will provide to the Department, 6 weekly reports of progress or concern against the areas set out in this notice; and progress against the improvement plan; and any other such information relevant to the improvement journey.
28. The notice sets out that the council should aim for actions included in the improvement plan to be delivered by the end of April 2022 or sooner, where appropriate. If there is a failure to comply with this notice, 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 (potentially resulting in the establishment of a trust).

Risk management

29. The improvement notice is clear that 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.
30. 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

31. The arrangements for governance of the improvement process, including the various individuals and bodies that will be briefed, are set out in the key considerations section above.

Appendices

Appendix A – Directors Update Report to Improvement Board

Background papers

None identified

Glossary

DFE – Department for Education

LGA – Local Government Association

CfGS – Centre for Governance and Scrutiny