

Title of report: Update Cabinet on the improvement programme within Children and Families directorate following publication of Ofsted focused visit July 2021

Meeting: Cabinet

Meeting date: Thursday 30 September 2021

Report by: Cabinet member children and families;

Classification

Open

Decision type

Non-key

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards)

Purpose

To update Cabinet on the outcome of the Ofsted focus visit on 7 - 8 July 2021 and progress to date of the improvement programme.

Recommendation(s)

That:

- a) Cabinet note the outcome of the Ofsted focussed visit on the 7 – 8 July;**
- b) Cabinet note the progress to date against the service priorities identified by Ofsted and other independent reviews undertaken**

Alternative options

1. There are no alternative options.
2. The council is under duty to accept the outcome of the review and address the areas highlighted as part of the overall Children's improvement programme.

Key considerations

Background and introduction

3. A planned focused visit took place on 7 July 2021, in line with the inspection of local authority children's services (ILACS) framework.

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
4. 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.
5. There is a requirement that Herefordshire Council submits an action plan to Ofsted that responds to the areas for priority action within 70 days of receipt of the letter. A draft operational action plan is in development with the final submission to Ofsted scheduled for early November 2021.
6. At the time of the focussed inspection, diagnostic reviews commissioned by the interim Director of Children and Families and the senior leadership team had already been undertaken or were underway. These diagnostic reviews have made several recommendations for improving services to children and families and are being drawn together with the Ofsted recommendations and included in one overall operational improvement plan.

Other reviews (to date) have included:

- Forensic review - Independent, self-directed, evidence-based review of Herefordshire Children Social Care (CSC) business operation
 - Review of Early Help
 - Review of Children with Disabilities services
 - Ongoing assurance audit of all open cases (up to 11 June 2021)
 - Review of Special Guardianship (SGO)
 - Improvement actions have also been collected from a range of performance and quality mechanisms, observation of practice and staff feedback
7. The Ofsted visit, review findings and audit outcomes are creating a comprehensive understanding of the strengths within social work practice and the areas for improvement.
8. This report aims to indicate the extent of the required improvement, the time needed to achieve sustainable change and the additional resources it is likely to take to embed good quality practice.

Establishing the improvement framework

9. There will be different levels of plans required within the overall improvement framework. A strategic plan that will be used by the Improvement Board to bring together improvement activity required across the council and the wider strategic partnerships and an operational action plan that will focus at the practitioner level work between the council and other statutory bodies. These will encompass the Ofsted priority actions.
10. The operational plan will be overseen by an operational board of officers chaired by the interim Director of Children and Families.
11. The operational plan will support and feed into the wider strategic improvement plan and will be overseen by the Improvement Board, chaired by the independent Department of Education (DfE) advisor.
12. The strategic improvement plan will be submitted to the DfE led Improvement Board for approval on 11 October 2021. The strategic and operational plan and an update on progress on the improvement activity will be presented to Cabinet on 28 October 2021.
13. Regular progress reports to Cabinet and full Council on the improvement programme will then follow the reporting cycle set out in the last cabinet report (3 June 2021).
14. The following activity has been undertaken as part of implementing the management framework to oversee the improvement programme:
- Appointment of an independent DfE advisor

- Establishment and commencement of the Improvement Board (multi agency and chaired by the independent advisor).
- Collaborative development of the strategic improvement plan (planned for approval in October 2021)
- Financial packages of support obtained from the DfE and Local Government Association (LGA)
- Telford and Wrekin Council (rated Outstanding by Ofsted) have been appointed as the sector led improvement partner (SLIP) to support the improvement programme
- Dedicated Improvement Director (Darryl Freeman) has now joined the organisation
- Project management approach and resources are aligned
- Establishment of a Resources board, chaired by the Section 151 officer to oversee spend allocation of additional funding made available to the service
- Permanent recruitment of the Director for Children and Families is now in progress with the selection process planned for October 2021

Key findings and operational challenges

15. The outcome of the Ofsted visit supported the findings and views of independent assessors recently commissioned as part of the improvement programme. Evidence gathered to-date through audits supports the Ofsted view that practice is heavily process driven, parental led and lacks a focus on children and their needs.
16. Diagnostic reviews and case audits have revealed that managers are not consistently demonstrating good management skills and expertise or exercising sound decision making. Weaknesses in management grip have resulted in inadequate support to create an environment for quality social work practice to flourish and practitioners not receiving the support and leadership they need to develop.
17. Managers and heads of service were overstretched. One cause of this is the removal of a layer of service management from within the structure some years ago. This weakness in the management structure has resulted in managers being overstretched and taking on roles in some cases without the necessary skills, knowledge and experience, or the support through a training and mentoring programme, to do so.
18. The service has functioned on predominately newly qualified social workers who have not received the support and direction required and yet were holding highly complex cases without the required experience.
19. Staff morale and confidence following the recent Ofsted visit, High Court judgements and ongoing diagnostic process is being impacted. This is also affecting staff retention during a time when recruitment (permanent and agency staff) of experienced social work practitioners is an ongoing challenge and made more acute due to:

- Herefordshire's commitment to the regional Memorandum of Understanding (MOU) regarding recruitment of agency workers. The rationale behind the MOU, was to ensure consistency across local authorities in the pay of agency workers, which prevented/avoided social workers moving around Local Authorities in the region.
 - Location and accessibility of Herefordshire for travel
 - Affordable rental and overnight accommodation
 - Reputation
20. The tools and support available for social care practitioners are not effective and hamper the time available to devote to the children and families they are supporting.
21. Newly qualified social workers do not feel properly prepared and supported for the job and there is a lack of ongoing development and specialisation.
22. Social workers feel that their profession is undervalued, poorly understood and under constant media scrutiny, which makes it hard to do their jobs and can make it hard to attract new recruits into the profession.
23. The cost of children's social care is escalating and funding is increasingly absorbed by acute services and away from effective early help and support, reiterating calls for an increased investment and focus on prevention and early intervention. Change and improvements that are embedded and sustained through an early help model will take time and require cultural change across the system and with partners.
24. It should be noted that many of the challenges highlighted are symptomatic of wider issues within the sector, such as recruitment and retention of experienced social workers. This will compound the local issues faced by Herefordshire Council.

Operational Improvement - Priority areas progress update:

25. The priority operational action plan has ensured a focus on several critical activities to ensure progress across the improvement agenda, these include:
- Development of a Quality Assurance Framework to ensure ongoing assurance processes are in place through the external project auditing team
 - 1-2-1 coaching and mentoring sessions for all managers to support improved auditing, shared understanding of audit outcomes, reflective practice, and management of risk
 - Away-day for service managers/heads of service as part of developing service area plans and agreeing performance dashboard data
 - Review and redevelopment of case panels to ensure senior management oversight and scrutiny of critical areas of practice
 - Practice workshops developed for all managers and social workers, delivered by managers, across children's services to support practice challenges

- Development of tracking processes for children within the legal system and requiring adoption to ensure that timeliness is improved, the quality of practice reduces drift and delay for the child
- Re-alignment of some teams and services to ensure smooth transition of the journey of a child through the system
- Key leadership positions appointed to on an interim basis to stabilise structure and provide clear robust decision making on case work
- Surgeries with the social workers/team managers in the Assessment Service reviewing and reflecting on 304 cases. Closing the Loop support programme with all Team Managers with the Assessment service
- External review of the Early Help and Children with Disabilities services, undertaken by external former HMI consultants
- Management review and oversight of the Care Concerns Helpline set up in response to the recent High Court Judgement
- Review of Special Guardianship Orders undertaken by the external assurance team, brought in following the recent High Court Judgement
- Review of all open cases across the directorate up to and including 11 June 2021 undertaken by the external project auditing team. Current progress is around 50% of cases completed
- Three weekly all staff briefings led by the Director of Children's Services (which is well attended)
- Development needs assessment of front-line managers, Independent Review Officers /Child Protection chairs and Advanced Social Work Practitioner's through external consultants to inform training needs analysis
- Staff engagement mechanisms set up and baseline taken on current engagement levels

Workforce Recruitment and Retention

26. Recruitment and retention of staff has generally been good in respect of newly qualified social workers. There has been a rolling recruitment programme for qualified social workers, with permanent contracts being offered to social workers, many of whom have either already joined or are due to join the council shortly.
27. Recruiting workers to permanent posts has benefits of longer-term stability and financial savings. However, it is critical that within such recruitment, the same rigour and quality assurance process that is expected of the analysis and monitoring of practice is applied.
28. Whilst there has rightly been a drive to replace agency staff with a permanent workforce, which has subsequently seen a significant reduction in the use of agency staff from 56% in 2018 to 16% currently, as previously indicated this has not been without a cost to the

service, namely, the experience and resilience of those staff that have been recruited to key positions.

29. For example: The current recruitment strategy does not appear to recognise the need to balance permanency with experience, which has left the service vulnerable. The combination of an inexperienced team manager group and removal in 2016 of critical service manager posts from the structure, resulted in too large spans of control for heads of service.
30. It is evident from the inspection focus visit, diagnostic and audit work that has been undertaken that the skill base of managers and some social workers is not at a level required to drive forward such a challenging improvement agenda, at the pace needed, to satisfy external scrutiny from the DfE and Ofsted. Although part of the strategy is rightly to develop and support all managers, the concern around current practice issues, cannot wait for this to be fully implemented.

Interim Changes to Service Structure

31. In order to provide additional capacity and stability, there have been some required changes to organisational structures with additional interim capacity at the assistant director level and a realignment of services to support this. The current interim structure and services are as follows:

Children Safeguarding and Families Support Service (Assessment & Safeguarding)

Includes Early Help, Early Help Hub, Domestic Abuse Hub, MASH, Assessment, Contextual Safeguarding Hub and the Child Protection and Court Service and Edge of Care teams

Corporate Parenting (Children in Care, Care Leavers, Fostering & Adoption)

Includes Children in Care social work teams, Care Leavers teams, fostering team; Connected Carers & SGO Teams, Placement Team, Children Contact Service (Family Links) and Adoption links with the Regional Adoption Agency (RAA). Matrix management of team manager Children with Disabilities.

Quality Performance Improvement & Partnerships

Safeguarding & Review, Quality Assurance, Principal Social Worker, Academy, Safeguarding Partnership Business Unit, Local Authority Designated Officer.

Education Development and Skills Children's and Families

Schools, Adult Learning, Early Years, SEND and Children with Disabilities, Education Business Intelligence unit.

Social Work Processes and Practice:

32. A review of our Care Experienced Children and Young People service identified significant weaknesses in placement planning, permanency, assessment, and care planning. Views, wishes and feelings of children are not routinely checked when placement decisions are being made and placement instability is significantly high for a small number of children.

33. There are significant and exceedingly worrying delays in completing pathway plans for young people preparing for adult life. For those young people with pathway plans, most of these plans are of poor quality and not informed by their aspirations. This weakness regarding pathway plans, however, is largely because they were completed by social workers who hardly knew the young person due to a transfer point at 16+. Immediate steps have therefore been taken to change this transfer point to address this shortfall. Issues relating to the quality of pathway planning are also being addressed.
34. Oversight management tracking has been introduced to tackle challenges relating to care planning and decision making. Although the impact of this oversight is too early to assess, it is evident that, from the cases reviewed so far, are starting to see a shift in the right direction. Furthermore, social workers in the 16+ team have been realigned as a Children in Care Team. This allows children to have one social worker and to belong to one team throughout their care experience.
35. The fostering service is currently underdeveloped and therefore immediate steps have been taken to develop the fostering service in compliance with the Fostering Services Regulations and National Minimum Standards. All foster carers are now allocated with a supervising social worker. A fit for purpose foster carers register as well as the 'Independent Fostering Panel Members Central List' are being developed. A comprehensive fostering service development and improvement plan is now in place to address the weaknesses identified.
36. The review of Special Guardianship (SGO) by the Independent Assurance Team identified significant weaknesses in assessment and support of SGO carers. In response to the findings and recommendations, a dedicated Permanence Team is being established and it is anticipated that this will be operational from September 2021.
37. The overall corporate parenting services in Herefordshire is currently underdeveloped. In response to this, a programme of action is being implemented from September 2021 to reorganise the service with the following as immediate strategic priorities:
 - Reconstitution and training of Corporate Parenting Committee/Board
 - Establishment of Children in Care and Care Leavers Council
 - Realignment of Participation Officer(s) to develop and drive Participation Strategy
 - Establishment of a Programme Board of officers to address Placement Sufficiency
38. Although overall the quality of social work practice is unsatisfactory, there are examples of some good practice and wherever good practice has been identified, staff are always commended and their work has been identified to share across the service as an exemplar as part of the ongoing improvement and development.
39. It is recognised that the service has been under significant pressure and capacity has been an issue but also that the pandemic has led to a different way of working for the past 18 months across the country and some of the issues are not specifically

Herefordshire's. Consideration is currently being given to the current working arrangements for key roles/teams and whether a return to the office be accelerated to support practice development.

40. It needs to be recognised and acknowledged that a refocus on practice will potentially result in a greater number of children progressing to assessment and potentially an increase in Initial Child Protection Conferences. This will have an impact on service capacity and will need to be monitored in order that appropriate timely action can be taken to address pressures. This will also need to be factored into medium term service structure planning.
41. The challenges identified above highlight the extent of the required improvement journey and this shift in culture and practice will take many years to achieve. The impact of changes at this stage are difficult to evidence but clear baselines are being obtained and mechanisms being put in place to enable ongoing measurement of impact.

Community impact

42. The notice requiring improvement will have a direct and indirect effect on the lives of both current and future children and families in Herefordshire.
43. 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

44. 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

45. 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.
46. 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

47. There are significant revenue resource implications for the improvement work required. There are no expected capital resource implications.
48. The resource implications are not included in the base budget. The current additional resource allocation of £5.2m across all services; including direct children services and corporate support services is expected to increase. A report on the expected financial implications will be included as part of the improvement plan papers to Cabinet in October 2021. Spend/commitments to the end of August were £1,875k of which £1,463k was Children and Families, £179k Legal, £203k HR and £30k Communications.

Current allocation

Revenue or Capital cost of project (indicate R or C)	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000
<i>Improvement Board</i>	130	130	-	260
<i>Support for families</i>	100	100	-	200
<i>Legal</i>	551	551	-	1102
<i>External legal fees</i>	525	325	-	850
<i>Human resources support</i>	364	289	-	653
<i>Assurance and transformation</i>	292	85	-	377
<i>Interim staffing</i>	890	890	-	1780
TOTAL	2,852	2,370		5,222

Funding streams (indicate whether base budget / external / grant / capital borrowing)	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000
<i>Ear marked reserves</i>	2,852	2,370		
<i>DfE grant</i>	214			
TOTAL	3,066	2,370		

Revenue budget implications	2019/20	2020/21	Future Years	Total
	£000	£000	£000	£000
TOTAL				

Further bids of approximately £1.5m have been made to the DfE for further grant funding.

Legal implications

49. 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 - **Completed**
- Implementation of an Improvement plan - **in progress**
- Establishment of an Improvement Board with an independent chair (to be set up and chaired by the DfE Improvement Adviser) - **Completed**
- 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 first review is scheduled for October 2021**
- 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 - **Complete and in progress**
- 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 - **Complete and in progress**

50. 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

51. 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.
52. 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

53. The arrangements for governance of the improvement process, including the various individuals and bodies that will be briefed, are set out in the previous report to Cabinet on 3 June 2021.
54. Children and Young People's Scrutiny Committee received an update on improvement progress on 7 September 2021.
55. As part of the ongoing development of the improvement programme, a number of workshops and engagement sessions have been held with statutory partners, elected members and staff. This will continue in the coming months to ensure ownership of the improvement plan at all levels of the organisation and across the partnership.

Appendices

None

Background papers

None