

Title of report: Strategic Improvement Plan for Children and Families

Meeting: Cabinet

Meeting date: Thursday 28 October 2021

Report by: Interim Director for Children and Families

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

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 endorse the draft Strategic Improvement Plan at Appendix 1 and draft Operational Plan at Appendix 2.

The Strategic Improvement Plan forms part of the council's response to the non-statutory improvement notice issued by the Department for Education on 18 May 2021.

Recommendation(s)

That:

- a) Cabinet note the activity undertaken to inform and develop our Strategic and Operational Plans.**

- b) Cabinet endorse the Strategic Plan accepted by the independently chaired Improvement Board on 11 October 2021 in order that it can be presented to the Department for Education, in compliance with the non-statutory improvement notice.**

Alternative options

1. There are no alternative options.
2. The council is under duty to implement an Improvement Plan, in accordance with the measures stipulated in the non-statutory improvement notice issued by the Department for Education on 18 May 2021.

Key considerations

3. His Honour Justice Keehan published a judgement (26 March 2021) that identified serious failings in Herefordshire Council's children's services.
4. 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.
5. On 18 May 2021 the Department for Education (DfE) issued the council with a non-statutory improvement notice.
6. 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. 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 The section should also outline the facts of the proposal and will inform the debate in order to assist members in coming to a decision.
8. 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.
 9. The strategic plan has been developed to incorporate our vision and future ambition for children’s services and the council as a whole together with high-level detail for the five pillars or work-streams of activity. It also includes cross-cutting activities that span all five work streams and outlines the mechanism by which we shall know that we are making a difference. It will be presented to the Improvement Board on 11 October for sign-off but will be a live and evolving document subject to revision and update as required. For example, the performance measures and dashboard are currently in development, collaborating with partners and stakeholders, and are expected to be presented to the Board for consideration in November.
 10. Any amendments made by the Improvement Board at the meeting on 11 October will be incorporated in a revised version of the draft Improvement Plan and circulated to Cabinet with Cabinet papers ahead of the meeting on 28 October 2021.
 11. The operational plan has been developed by the Directorate Leadership Team and is owned by the interim Director of Children and Families. It sits beneath the strategic plan and contains the detail of the actions to be taken by the service, by whom, by when, and the measures by which we shall know that we have made a difference. The Director of Children’s Services will report on progress and impact to the Improvement Board, and the Management Board as well as to the Children and families Scrutiny Committee and Cabinet. The operational plan also contains the measures to be taken to address priority actions and recommendations made by Ofsted following their recent focused visit and the final version of the operational plan will be submitted to Ofsted and the DfE in November, following sign-off by the Management Board.

Community impact

12. The notice requiring improvement will have a direct and indirect effect on the lives of both current and future children and families in Herefordshire.
13. The county plan 2020 – 2024 includes the ambition to ‘strengthen communities to ensure everyone lives well and safely together’. Specifically, the council aims to:
 - a. Ensure all children are healthy, safe, and inspired to achieve;
 - b. Ensure that children in care, and moving on from care, are well supported and make good life choices; and
 - c. Protect and improve the lives of vulnerable people.

Environmental Impact

14. 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

15. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
16. 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.
17. 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.
18. As our projects and service delivery progresses, and changes are designed, equality impact assessment will be undertaken where necessary.

Resource implications

19. There are significant revenue resource implications for the improvement work required. There are no expected capital resource implications.
20. 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.

Current allocation

| Revenue cost of project | 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) | 2020/21 | 2021/22 | 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 | 2020/21 | 2021/22 | Future Years | Total |
|---|----------------|----------------|---------------------|--------------|
| | £000 | £000 | £000 | £000 |
| <i>note any impact on revenue budget, good or bad</i> | | | | |
| | | | | |
| TOTAL | | | | |

21. A further bid of approximately £1.6m has been made to the Department for Education for additional grant funding.

Legal implications

22. 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:-
23. 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.
24. Implementation of an Improvement plan
25. Establishment of an Improvement Board with an independent chair (to be set up and chaired by the DfE Improvement Adviser).
26. 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.
27. 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.
28. 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.
29. 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.
30. 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

31. 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.
32. 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.

33. The Directorate and the Improvement Board will maintain and monitor Risk Registers to ensure that risk is identified and mitigations put in place.

Consultees

34. There has been no public consultation on the Strategic Improvement Plan.
35. Elected Members, the Management Board, the Improvement Board, the Directorate Leadership Team and workforce representatives have contributed to the development of the plan through a range of meetings and workshop activities.
36. The content of the plan was further informed by a workshop attended by the council-wide Leadership Group on 21 September 2021 to establish a cross-council understanding of the activity and shared responsibilities.
37. As action plans and service redesigns are developed, consultation with children, young people, their families and carers will be a key part of our improvement journey.

Appendices

- Appendix 1 – Draft Improvement Plan v0.11
- Appendix 2 – Draft Operational Plan v0.3

Background papers

None identified.