

Title of report: Children Improvement Plan - Progress Update

Meeting: Children and Young People Scrutiny Committee

Meeting date: Tuesday 23 November 2021

Report by: Director Children's Services

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

Children and Families Strategic Improvement Plan – progress update.

Recommendation(s)

That the committee:

- a) **Reflect on progress following receipt of the non-statutory Improvement Notice in May 2021;
and**
- b) **Consider areas of work for further scrutiny activity, reflecting priority actions.**

Alternative options

1. The Committee could choose not to review the progress of the Children's and Families Improvement Plan delivery but this is not recommended as the Scrutiny Committee has an important role in exploring pressures and dependencies relating to priority actions, and in identifying and reviewing mitigation for any risk and issues which might work against the council delivering improvements.

Key considerations

2. The [18 May 2021 DfE non-statutory notice to improve](#)
3. The [28 October 2021 Cabinet decision](#) to endorse the Children and Families Strategic Improvement Plan v1.0
4. Progress made since the [last report to this committee on 7 September 2021](#)

Improvement Board update:

5. The Improvement Board continues to meet on a monthly basis, the most recent meeting being on Monday 8 November, and the next being on Monday 13 December 2021.
6. At the meeting on 8 November the Director Children's Service (DCS) updated on progress against the plan in his Director's Report, also shared with Members via briefings on 11 and 19 November 2021.
7. The service is developing a series of "Measures that Matter", ie. performance and outcome measures which will give an indication of the progress and impact of the improvement activity. These will be brought back to the next Improvement Board in December.
8. At the 8 November meeting the Board heard from the Staff Reference Group which has now met for the second time with increased cohort membership.

Governance:

9. Programme structure: A clear board hierarchy and associated reporting process is now in place.
 - The Improvement Board continue to ensure compliance with the non-statutory notice issued by the DfE.
 - The Chief Executive Officer (CEO) remains responsible for making the changes necessary to improve the services with support from the DCS.
 - Management Board continue to provide a check and balance to the plan and are advised of progress.
 - The Resources Board continues to be in place to monitor spend and value for money.
10. Cabinet: It has been agreed that progress against the Improvement Plan will, from January 2022, be reviewed by Cabinet on a quarterly basis. Cabinet are responsible for overseeing the plan and ensuring the progress is made as set out in the improvement notice.
11. Cabinet briefing: Cabinet members will be briefed informally as part of the normal cycle of portfolio and cabinet briefings.
12. Scrutiny: It has been agreed that progress against the Improvement Plan will, from November 2021, be reviewed by the Children and Young People's Scrutiny Committee every two months.
13. Full Council: Reporting of progress against the Improvement Plan will come to Full Council in March, July and October 2022.

Outcome of recent Ofsted focused visit:

14. Following the planned focused visit by Ofsted on 7 July 2021, and subsequent focussed visit outcome letter [50167833 \(ofsted.gov.uk\)](https://www.ofsted.gov.uk/publication/50167833) published on 17 August 2021, a revised Operational Plan v.04 is due to be submitted to Ofsted on 18 November 2021.

Community impact

15. The notice requiring improvement will have a direct and indirect effect on the lives of both current and future children and families in Herefordshire.
16. 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.
17. The County Plan 2020-24 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

18. There are no specific environmental impacts arising from this report.
19. 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

20. 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.
21. 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

22. There are significant revenue resource implications for the improvement work required. There are no expected capital resource implications.
23. The resource implications are not included in the base budget.
24. An additional resource of £5.2m across all services has been approved to fund both direct Children Services and Corporate Support Services.
25. An additional £1.7m DfE grant was approved in October 2021 to fund specific pieces of work in Children's Services to be delivered by 31 March 2022.
26. The Improvement Board will receive monthly reports to monitor spend incurred as part of the monthly DCS update.

Legal Implications

27. The Council was issued with a non-statutory improvement notice by the Department for Education on 18 May 2021. To comply with this notice, the Council must adhere to a number of measures, which 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 DfE will undertake reviews of progress against the Improvement Plan at least every 6 months and more regularly where appropriate.
 - The DfE 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 DfE, 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

None

Background papers

None

Glossary

DfE Department for Education
DCS Director Children's Services
CEO Chief Executive Officer