

Title of report: Inspection of Herefordshire Children's Services

Meeting: Council

Meeting date: Friday 30 September 2022

Report by: Cabinet member children and families;

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To present the recently published report detailing the findings of the inspection by Ofsted inspectors of Herefordshire Council children's services in July 2022 and to outline both the action taken immediately and since the inspection to address some of the concerns raised, and the implications of the Statutory Direction issued by the Secretary of State.

Recommendation(s)

That:

- a) **Council receive and note the Ofsted inspection report.**

Alternative options

1. There are no alternative options. The Department for Education have issued a statutory direction and Herefordshire Council is directed as follows:
 - a) To comply with any instructions of the Secretary of State or the Children's Services Commissioner in relation to the improvement of the Council's exercise of its children's social care functions and provide such assistance as either the Secretary of State or the Children's Services Commissioner may require;

- b) To co-operate with the Children's Services Commissioner, including on request allowing the Commissioner at all reasonable times access:
 - i. to any premises of the Council;
 - ii. to any document of, or relating to, the Council; and
 - iii. to any employee or member of the Council,which appears to her to be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference.
- c) To provide the Children's Services Commissioner with such amenities, services and administrative support as she may reasonably require from time to time for the carrying out of her responsibilities in accordance with the Terms of Reference, including:
 - i. providing officers' time or support;
 - ii. providing office space, meeting rooms or computer facilities;
- d) To co-operate with a Commissioner-led review as to the most effective way of securing and sustaining improvement in Herefordshire, including whether to remove the control of children's social care from the Council, and/or put in place an alternative delivery model.

Key considerations

- 2. Herefordshire Council children's services were inspected by Ofsted inspectors during the period 18 to 29 July 2022.
- 3. Previous inspections of the service over the past ten years and the overall outcomes are as follows:
 - a) 2012. Inspection of local authority arrangements for the protection of children. Judgement: Inadequate
 - b) 2014. Inspection of services for children in need of help and protection, children looked after and care leavers. Judgement: Requires Improvement
 - c) 2018. Inspection of children's social care services. Judgement: Requires Improvement (with the impact of leaders being Inadequate)
- 4. Ofsted carried out three Focussed Visits since the 2018 inspection, in January 2019, December 2019 and July 2021 (most Ofsted inspection activity was paused during the national lockdown periods). The December 2019 and July 2021 reports are clear that the local authority had made little progress in improving the quality of practice for children in need and those subject to child protection planning since the inspection in 2018.
- 5. Previous inspection and Focussed Visit reports are available [online](#).
- 6. In March 2021 Mr Justice Keehan delivered a Judgement (26 March 2021) with leave for the same to be published that identified serious failings in Herefordshire Council's children's services.
- 7. On 18 May 2021 the Department for Education issued the Council with a [non-statutory improvement notice](#).

8. The most recent inspection followed the Inspecting Local Authority Children's Services (ILACS) framework, details of which are [available online](#). The inspection considered activity and improvement over a four year timeframe, since the last inspection in 2018.
9. The inspection report (Appendix A) was published by Ofsted on 21 September 2022, and concluded that the overall effectiveness of the service was inadequate.
10. Whilst the overall outcome of inadequate will not come as a surprise to Members, who have been briefed by the Chief Executive and Corporate Director on the issues identified by them as requiring action, the report is nonetheless difficult to read as it outlines in stark terms the impact on children and young people over a number of years of continued high turnover of staff at all levels, insufficient grip and oversight of social work practice and a previous absence of accurate performance data.
11. Inspectors in the introduction to the report states that "Children and young people in Herefordshire are not protected from harm". This is deeply concerning but should not be interpreted as meaning that all or significant numbers of children are at risk or are unprotected. The statement is described by inspectors as an overview summarising the key issues identified on the inspection. The report goes on to state however that "drift and delays are endemic, compounded by continuous staff turnover, weak guidance and a lack of management grip". These issues have not emerged in recent months, or simply since the High Court judgement handed down in 2021. This situation has come about over a period of years of decline.
12. They report too that "the quality and impact of social work practice has significantly deteriorated since the last judgement inspection in June 2018" and that "Insufficient scrutiny and focus by the council meant that deficits in practice were not realised until the highly publicised court judgement in April 2021". Children's services were judged as requiring improvement in 2014 and had made little improvement in 2018 when inspectors determined that the impact of leaders was inadequate. If we are to be assured that going forward our aspirations for improvement, and commitment to building on the recent limited improvements noted in the report are to be realised, a significant whole-council and multi-agency commitment is required.
13. The report acknowledges that strategic priorities have been focused on crisis management to secure the day-to-day running of the service in a climate of increasing demand and significant staff turnover, along with establishing an accurate baseline of quality of services. It notes too that recently there have been some small areas of progress from a significantly low base and that improvement plans have been refreshed, governance is clearer, and work streams are established. Performance reporting is improving from a very low base. That a permanent leadership team is now secured is also noted.
14. Inspectors concluded that "Despite significant financial investment by the council to assist the transformation of children's services, corporate support is not strong enough to realise their high recruitment aspirations."
15. Nine key areas for improvement are identified, as follows:
 - Corporate responsibility for the help and protection of children and those in care and care leavers, so this is prioritised and embedded across the council and partnerships.
 - The sufficiency and stability of staff across the workforce, including sufficient numbers of foster carers, so children receive a timely response to having their needs identified and met across the service.

- The timely and robust identification and multi-agency response to children and young people who are at risk of harm, including, but not limited to, the response to pre-birth children and babies, 16- and 17-year-olds who present as homeless, children living in private fostering arrangements and children who go missing from home and care.
 - The quality of practice including assessments, plans, planning and purposeful visits that are responsive to risk and need.
 - Timely and effective multi-agency arrangements to ensure children are protected and enter care when required.
 - Monitoring and tracking to prevent drift and delay. This includes the monitoring and tracking of children in the Public Law Outline (PLO), permanence planning, children subject to deprivation of liberty orders and those placed in unregistered children's homes.
 - The availability of support and services to meet children and young people's needs, including timely access to therapeutic interventions, access to dentistry, life-story work, emotional and mental health support, help for young people to support transitions into independence and sufficient suitable accommodation.
 - Management oversight and grip across the service to include clear structures and service pathways, and regular and effective supervision.
 - Performance and quality assurance arrangements to support and test service improvements.
16. The Secretary of State for Education issued a Statutory Direction (Appendix B) in relation to children's services under section 497A(4B) of the Education Act 1996 on 21 September 2022.
 17. The Secretary of State has appointed Eleanor Brazil as Commissioner for Children's Services in Herefordshire. Ms Brazil is a very experienced former Director of Children's Services and Commissioner for Children's Services
 18. The seriousness and potential impact of this intervention cannot be overstated and requires an immediate whole-council and multi-agency response. The Children's Services Commissioner will assess the council's capacity and capability to improve itself, in a reasonable timeframe, and recommend whether or not this evidence is sufficiently strong to suggest that long-term sustainable improvement to children's social care can be achieved should operational service control continue to remain with the council. If her assessment is that this is not achievable, she will advise on alternative delivery and governance arrangements, outside the operational control of the council.
 19. Gladys Rhodes White continues as the Department for Education Advisor and will chair the Children's Improvement Board.
 20. The Corporate Director for Children and Young People and his predominantly new and permanent senior leadership team took immediate and appropriate action to address any significant concerns as they arose during the inspection and since.
 21. The action taken included:
 - a. Ensuring that with West Mercia Police there was sufficient and immediate capacity to ensure the timely completion of strategy meetings for all children for whom a strategy discussion was deemed appropriate. The timeliness of strategy meetings is now much

improved and is monitored weekly by senior leaders from children's social care and from West Mercia Police;

- b. Bringing the management oversight of the MASH (Multi-Agency Safeguarding Hub) temporarily under the direct supervision of the Service Director for Safeguarding and Family Support whilst additional management capacity was organised and introduced. The impact of this is that both the timeliness and consistency of decision-making is already improved;
 - c. Adding temporary additional social worker capacity to the MASH whilst multi-agency capacity and resources are reviewed;
 - d. An immediate review of each of the cases formally brought to the attention of the service during the course of the inspection with a further follow-up review completed early in September. This has provided assurance that the children and young people concerned are safe; that appropriate plans and management oversight are in place; and in the recent follow-up review that any actions that had been identified in the earlier review have been completed;
 - e. A review of each of the cases in the Public Law Outline (pre-proceedings) where drift and delay had been identified during the inspection. Several families were safely stepped out of this process and alternative support provided to them, and more frequent tracking meetings introduced;
 - f. A review of all pre-birth open cases with existing arrangements for the introduction of a revised multi-agency panel brought forward. As a result of this review, changes were made to the early help pathway and referral process which means that families are being supported sooner;
 - g. The publication of several Management Action Notes from the Corporate Director which clear the organisational expectations in respect of a number of key areas of practice or procedure. Where appropriate, performance and management information reports and/or quality assurance activity is being developed and implemented to provide assurance of compliance and impact;
 - h. A revised and extended Serious Incident Notification (Need to Know) policy has been developed and recently introduced that requires managers and practitioners to formally notify senior leaders of a wider range of events or circumstances than had previously been the case, strengthening the line of sight of senior leaders to specific issues.
 - i. Agreeing additional leadership capacity for the corporate parenting service.
22. The Corporate Director and his team have been working on the development of an action plan in response to the report and the identified areas for improvement, which must be submitted to Ofsted by 20 December 2022. Now that the inspection report is in the public domain, activity to further develop the initial draft plan in collaboration with children and young people, our workforce, and with multi-agency partners has commenced and will continue throughout October and November.
23. Member involvement and contribution to the development of the action plan will be enabled through the work of the Children and Young People Scrutiny Committee.
24. A recommendation that the action plan once finalised be approved by cabinet is to be considered by cabinet on 29 September 2022.

Community Impact

25. The Statutory Direction requiring improvement has a direct and indirect effect on the lives of both current and future children and families in Herefordshire.
26. 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. Set out any considerations relating to community impact including contribution made to corporate plan / health and wellbeing strategy or other local or national strategies or policies.
27. Inspectors report ‘widespread and serious failures for children in care and care leavers in Herefordshire. As corporate parents, we have a responsibility together with our partner agencies for providing the best possible care and safeguarding for children who are looked after by the council, and for care experienced young people. Our response to the report should clearly demonstrate our commitment and our aspirations for children in our care.

Environmental Impact

28. There are no specific environmental impacts arising from this report.
29. Ongoing and future transformation and improvement activity will be undertaken with consideration to minimise waste and resource in line with the Council’s Environmental Policy.

Equality duty

30. 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.
31. 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:
 - a. Age;
 - b. disability;
 - c. gender reassignment;

- d. pregnancy and maternity;
 - e. marriage and civil partnership;
 - f. race;
 - g. religion or belief; sex; and
 - h. sexual orientation.
32. In particular, the council must have due regard to the public sector equality duty when taking any decisions on service changes.
33. As our projects and service delivery progresses, and changes are designed, equality impact assessment will be undertaken where necessary.

Resource implications

34. This paper is to present the formal report from Ofsted following its recent inspection, and there are no direct resource implications for cabinet to receiving the report.
35. Cabinet agreed at its meeting on the 31st March 2022 to a drawdown of up to £11.49m from the Financial Resilience Reserves, in two tranches. The first tranche of £5m was drawn down in April 2022. Tranche two of up to a further £6.49m in tranche two, will be subject to a further decision of cabinet.
36. The Chief Financial Officer has authorised an early drawdown of up to £1m of tranche two to enable the initial response to the Ofsted report to be progressed, further details will be included in the report to cabinet to consider the drawdown of the balance of tranche two.

Legal implications

37. The Education and Inspections Act 2006 (inspection of Local Authorities) Regulations 2007 sets out the requirement on the Local Authority following an inspection report. The Local Authority is required to prepare a written statement of the action which they propose to take in the light of the report, and the period within which they propose to take that action. The authority must publish the report, and the statement within such period, and in such manner, as may be prescribed by regulations made by the Secretary of State.

Consultees

38. There has been no public consultation on this paper.

Appendices

- Appendix A: Ofsted inspection report
Appendix B: Statutory Direction

Background papers

None identified.