

# **Title of report: Progress Report to the Minister of State for Children and Families on Children Services in Herefordshire Children's Services**

**Meeting: Cabinet**

**Meeting date: 21 December 2023**

**Report by: Cabinet member children and young people**

**Report by: Corporate Director children and young people**

**Report author: Corporate Director children and young people**

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose**

To update Cabinet on the content of the most recent progress report of the Children's Commissioner to the Minister of State.

## **Recommendation(s)**

**That:**

- a) **Cabinet receive this report and note the feedback from the Commissioner.**

## Alternative options

1. There are no alternative options. Herefordshire council children's services are judged as inadequate by Ofsted and are the subject of a Statutory Direction issued by the Secretary of State.

## Key considerations

2. Children's Services were judged to be inadequate during the Ofsted inspection conducted in July 2022. The inspection report was published on 21 September 2022 on the Ofsted [website](#).
3. Following the Ofsted judgement a [Statutory Direction](#) was issued to Herefordshire Council on 21 September 2022 in relation to children's services.
4. The Statutory Direction was the mechanism for the appointment of a Commissioner for Children's Services in Herefordshire (Eleanor Brazil) and set out the Terms of Reference to the direction.
5. The Commissioner undertook a review of the Council's capacity and capability to improve services within a reasonable timeframe and her report to the Minister was published on 1 March 2023 on the Department for Education [website](#).
6. The report made five recommendations, one of which was to review progress after six months and that if the level and trajectory of progress that is required is not achieved within that timescale, consideration should be given to whether an alternative delivery model is required.
7. The Minister accepted the recommendations and a [revised Statutory Direction](#) was issued.
8. A meeting to review progress was held on 6 November 2023, following which the Commissioner submitted a progress report to the Minister of State (Appendix 1). This has been published on the 13 December 2023- [Progress report of the children's services commissioner in Herefordshire](#)
9. In her progress report the Commissioner notes a number of key developments in the last 6 months:
  - a. Formal agreement to 18 months programme of support with Leeds
  - b. Commission to listen to Families held and report published
  - c. Change in political administration
  - d. First 3 Monitoring Visits conducted by Ofsted
  - e. Planned support from other Local Authorities negotiated and partly delivered
  - f. Improvements in SEND and quality of support for disabled children
  - g. Progress in the Multi Agency Safeguarding Hub
  - h. Limited progress in other parts of children's social care.

10. Progress and improvement is observed and reported in a number of areas of performance and service delivery. Progress has been made against each of the recommendations for practice improvement made in the original report, published earlier this year.
11. The report concludes that whilst progress has been slower than we would want (and that the pace of change is too slow) there have been positive developments and that there should not be any further consideration of an alternative delivery model as it remains the view of the Commissioner that supporting the council and its partners to deliver quicker and better improvements is the best way forward.
12. Progress will be reviewed again, six months after publication of the Commissioner's report published by the Department of Education. The Commissioner is working with officers and the council's partners to determine the specific areas against which progress will be measured and improvements will be made.

### **Community impact**

13. The Ofsted inspection judgement of 'Inadequate' has a direct and indirect effect on the lives of both current and future children and families in Herefordshire.
14. The County Plan 2020–2024 includes the ambition to 'strengthen communities to ensure everyone lives well and safely together' and more 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.

### **Environmental Impact**

15. There are no specific environmental impacts arising from this report.
16. Ongoing transformation activity will be undertaken with consideration to minimise waste and resource in line with the Council's Environmental Policy.

### **Equality duty**

17. 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.

18. In particular, the council must have due regard to the public sector equality duty when taking any decisions on service changes.
19. As our projects and service delivery progresses, and changes are designed, equality impact assessment will be undertaken where necessary.

### **Resource implications**

20. There are no new or additional resource implications arising from this monitoring visit and report.

### **Legal implications**

21. 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 was required to adhere to a number of measures, which included:-
  - a) Secretary of State appointment of an Improvement Advisor (Gladys Rose-White).
  - b) This was also the statutory mechanism for the appointment of the Children's Commissioner (Eleanor Brazil). The Council has worked with the Commissioner for over the minimum 12 months period and will continue to work with her until such time that the Secretary of State is satisfied this is no longer required.
  - c) An Improvement Plan has been implemented.
  - d) Establishment of an Improvement Board with an independent Chair (Chaired by the Improvement Advisor).
  - e) The Commissioner has undertaken reviews of progress against the Improvement Plan.
  - f) The DfE has provided dedicated improvement support through its Partners in Practice arrangements
  - g) The Improvement Advisor has provided, to the DfE, reports of progress or concern against the areas set out in the notice; and progress against the improvement plan
22. The Commissioner undertook a review of the Council's capacity and capability to improve services within a reasonable timeframe and her report to the Minister was published on 1 March 2023 on the Department for Education [website](#).
23. As set out above this report made recommendations, one of which was to review progress after six months and that if the level and trajectory of progress that is required is not achieved within

that timescale, consideration should be given to whether an alternative delivery model is required.

24. The Minister accepted the recommendations and a [revised Statutory Direction](#) was issued.
25. A meeting to review progress was held on 6 November 2023, following which the Commissioner submitted a progress report to the Minister of State (Appendix 1).
26. Progress and improvement is observed and reported in a number of areas of performance and service delivery. Progress has been made against each of the recommendations for practice improvement made in the original report, published in March this year.
27. The report concludes that whilst the pace of progress has been slower than hoped, there have been positive developments and that there should not be any further consideration of an alternative delivery model (therefore not invoking statutory powers of intervention pursuant to s497A Education Act 1996) as it remains the view of the Commissioner that supporting the Council and its partners to deliver quicker and better improvements is the best way forward.
28. Progress will be reviewed again, six months after publication of the progress report by the Department of Education and the Commissioner is working alongside officers and the council's partners to determine what progress should look like at that point in time.

### **Risk management**

29. There are no new or additional risks arising from this visit. Risks associated with the wider improvement plan are monitored by the Improvement Board.

### **Consultees**

30. None.

### **Appendices**

Appendix 1 - Progress Report to the Minister of State for Children and Families on Children Services in Herefordshire Children's Services

### **Background papers**

None identified.