Medway COUNCIL
Serving You

Cabinet –
Supplementary agenda No.1

A meeting of the Cabinet will be held on:

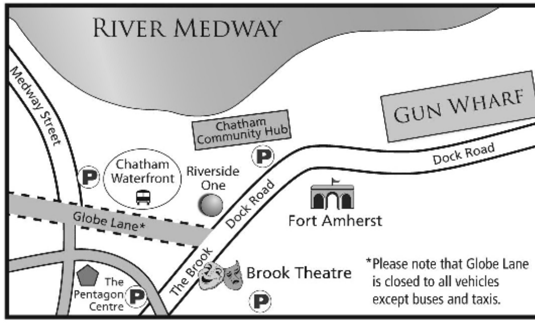
Date:	3 September 2019
Time:	3.00pm
Venue:	Meeting Room 2 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

5.	**Ofsted Inspection of Medway's Children's Services**	**(Pages 3 - 28)**
6.	**Exclusion of the Press and Public** This report is set out in the main Agenda.	
7.	**Council Response to Draft Further Report from the LGO Re: Mainstream Home to School Transport Decision and Policy**	**(Pages 29 - 64)**

For further information please contact Wayne Hemingway, Principal Democratic Services Officer on Telephone: 01634 332509 or Email: democratic.services@medway.gov.uk

Date: 30 August 2019



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CABINET

3 SEPTEMBER 2019

OFSTED INSPECTION OF MEDWAY'S CHILDREN'S SERVICES

Portfolio Holder:	Councillor Mrs Josie Iles, Portfolio Holder for Children's Services (Lead Member)
Report from:	Ian Sutherland, Director of People – Children and Adults Services
Author:	Jackie Brown, Head of Business Change (People) and ICT

Summary

The Ofsted Inspection of Local Authority Children's Services (ILACS) took place in Medway from 15 to 26 July 2019.

This report sets out details of the outcome of the Inspection, provides information relating to the statutory direction issued by the Department for Education and gives an overview of the completed and planned actions.

1. Budget and Policy Framework

1.1 This report supports the Council Plan priority "Supporting Medway's people to realise their potential' to achieve the outcome 'Resilient Families'.

1.2 In January 2018, Ofsted launched the Inspection of Local Authority Children's Services' of ILACS, the framework for inspecting local authority services for children in need of help and protection, children in care and care leavers.

1.3 On this occasion it has not been practicable to provide 28 clear days' notice, nor 5 clear days' notice, therefore Section 11 (Cases of special urgency) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 has been complied with. The Chairman of the Children and Young People Overview and Scrutiny Committee has agreed that consideration of this report is urgent and cannot be reasonably deferred until the next Cabinet meeting on 24 September to enable the Cabinet to formally receive and consider the outcome of the inspection and the statutory direction at the earliest opportunity.

1.4 Therefore, the Cabinet is asked to accept this item as urgent for the reasons set out above.

2. Background

2.1 The Ofsted 'Inspection of Local Authority Children's Services' (ILACS) took place from 15 to 26 July 2019. The inspection team comprised 6 Ofsted Inspectors and a Quality Assurance Inspector attended for 2 days. The report was published on the 27 August 2019.

2.2 Ofsted provide judgements against three discrete domains and then provide an overall judgement. The table below outlines these areas and the judgement is received.

2.3 Judgement Grade

The impact of leaders on social work practice with children and families	Inadequate
The experiences and progress of children who need help and protection	Inadequate
The experiences and progress of children in care and care leavers	Requires improvement to be good
Overall effectiveness	**Inadequate**

3. Key Findings

3.1 The published report highlights areas for improvement and strengths.

3.2 The published report identified 10 areas for improvement:

- Senior managers' oversight and understanding about vulnerable children's experiences, including through the quality, accuracy and effectiveness of audits
- Staffing capacity across children's social care, early help hubs and leaving care teams
- The response to risk for children who have experienced neglect, those exposed to parental domestic abuse and young people in danger of exploitation
- The coordination and management oversight of early help services to support children to receive the right help at the right time
- The quality and effectiveness of management oversight and supervision to make sure that children are protected from significant harm
- The effectiveness of managers' formal permanence planning and decision-making at every point in the child's journey
- The system for tracking children who go missing from home, care or education

- Services to help care leavers access suitable accommodation, education employment and training and to understand their rights and entitlements
- The strategic relationship with health services, and operational delivery across a range of health functions to support children and young people in care and care leavers
- Leadership direction and assertive action to improve and develop the services to foster carers and prospective adopters.

3.3 Some of the strengths highlighted include:

- Marked improvements in the First Response Service since the Ofsted Focused Visit in February
- Early signs of improvements in our work in the area based social work teams (pods)
- Recruitment and retention of staff has been a key priority
- Social workers know children really well
- Stable foster placements and well supported carers
- Care leavers were unanimously positive about the support they get from their Personal Advisors
- Disabled children receive an effective service
- Virtual school – potential to improve education outcomes for Looked After Children
- Allegations made against professionals and the associated risks to children are managed well by the designated officer. The response to referrals is both prompt and proportionate. Outcomes are well recorded, with detailed analysis. This is a vast improvement since the previous inspection.

3.3.1 The report recognises that the service has 'Committed workers and frontline managers who strive to provide children with a good service'. It also comments that morale is high amongst frontline practitioners and their managers.

3.4 The Ofsted report is set out in Appendix 1.

4. Statutory Direction

4.1 The Department for Education (DfE) issued a statutory direction to Medway Council on the 27 August 2019, due to poor performance in Children's Social Care Services. As such, an independent Children's Services Commissioner has been appointed by the Secretary of State.

4.2 The commissioner appointed for the DfE to act as the Medway Children's Services Commissioner is Mrs Eleanor Brazil.

4.3 The Council is required 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 function and provide such assistance as either the Secretary of State or the Children's Services Commissioner may require.

4.4 The Children's Services Commissioner is expected to take the following steps:

1. Issue any necessary instructions to the Council for the purpose of securing immediate improvement in the Council's delivery of Children's Social Care; to identify ongoing improvement requirements; and to recommend any additional support required to deliver those improvements;

2. To bring together evidence to 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 within the Council;

3. To advise on relevant alternative delivery and governance arrangements for Children's Social Care, outside of the operational control of the Council, taking account of local circumstances and the views of the Council and key partners; and

4. To report to the Parliamentary under Secretary of State for Children and Families by 1 December 2019.

4.5 The statutory direction issued to Medway Council is set out in Appendix 2.

5. Intervention

5.1 When a Local Authority's Children's Services are judged inadequate, Ofsted is required to carry out monitoring activity that includes an Action Planning visit, quarterly monitoring visits and a re-inspection after a period of around two years.

5.2 The quarterly monitoring visits will focus on where improvement is needed the most. The inspectors will be on site for two days to monitor and report on the local authority's progress since the inspection.

5.3 Inspectors will also check that performance in other areas has not declined since the inspection. If new concerns emerge, inspectors are likely to look at these on the monitoring visits.

6. Progress since the Inspection

6.1 As an immediate response, the Council has started developing a draft Action Plan which identifies priority actions to address the areas for improvement identified within the inspection over the next twelve months. This will facilitate the development of an Action Plan which we are required to submit to Ofsted by 28 November 2019.

6.2 Medway aspires to deliver good and outstanding services that keep children and young people safe and give them the right help, at the right time in their lives. In doing this, we will show strong leadership, we will challenge performance, and we will build a culture of continuous reflection and improvement.

6.3 Improving the quality of services to children is a key corporate priority and we are fully committed to working with our partners to deliver this plan and achieve more positive outcomes for children and young people in Medway.

6.4 Five core priorities will underpin the systemic and cultural change needed to drive improvement:

1. Quality and effectiveness of our practice – purposeful social work assessments, plans and interventions with families;
2. Capacity and capability of our workforce – sufficiency of practitioner posts, manageable workloads, appropriate training, and practitioners who are well-supported, curious and child focused;
3. Effective leadership and management – to ensure decisions are timely, resources are used effectively, systems are in place to track progress and provide insight into quality of practice, and performance is robustly and respectfully challenged;
4. Quality Assurance and Performance Management – oversight, challenge and line of sight into practice, and the experience of children in contact with our services and
5. Partnerships and engagement – early help services support statutory provision, staff, children and families are engaged and views influence service delivery, and partners understand the role they play and commit to supporting improvement.

6.5 Working closely with partner agencies is fundamental and the recently established police and other partners within the Medway Task Force will help support our work to safeguard children, particularly in relation to Child Sexual Exploitation and Missing Children.

6.6 We are already working with another local authority which is providing improvement support in relation to areas identified within the inspection report.

6.7 Planning is underway for an extra training session every month (one half day session) for Practice Managers which will focus on leadership qualities. This will address the improvement priorities with a particular focus on management oversight and supervision.

6.8 We have arranged a scoping discussion, in the first week of September, with an organisation to discuss a review of Early Help to inform development of a robust strategy.

6.9 An Improvement Team, comprising Sue Brunton-Reed - Head of Specialist Projects, Jackie Brown – Head of Business Change (People) & ICT and Elizabeth Renwick – Project Support Officer has been created to support the delivery of rapid improvement.

6.10 An Improvement Board will be introduced to replace the existing governance structures overseeing and driving improvement within children’s services. The Improvement Board will support the development of the Action Plan and

monitor its implementation. In discussion with the Children's Commissioner the Council will appoint an independent chair for the Improvement Board.

6.11 We will work with managers at all levels to promote accountability, compliance and promote quality of practice

6.12 The following improvements have been made since the inspection.

- The local authority has funded 8 additional social work posts to offer immediate support to reduce caseloads within the assessment teams.
- Average caseloads in assessment service have reduced by 20% since the time of the inspection.
- All legal (Public Law Outline) cases have been reviewed, and a monitoring panel will meet monthly to continue to monitor and push progress.
- Permanence Panel is now meeting regularly and we have a revised process for convening permanency planning meetings to ensure that decision making is timelier in these cases.
- We have followed up every case highlighted to us by Ofsted and assured ourselves that in all of these cases risk is being appropriately managed and care planning is being effectively progressed.
- Additional support and training has been made available for our auditors to improve consistency of audit grading, and a moderation panel is now in place to ensure validated rating of the quality of social work practice.
- Revision of management structure to improve functional interface between the front door and early help.
- Our plans for a communications strategy are well underway to ensure that that all key stakeholders are kept fully informed of the progress in relation to the Improvement Programme, with a particular focus on the engagement of all staff within children's services.

7. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Actions are not implemented in a timely manner	If the actions within the Action Plan are not implemented in a timely manner then Medway's vulnerable children & young people may remain at risk or living in situations of harm	The Improvement Board will monitor progress and will hold people to account if progress is not positive	B2
Resource is not in place to deliver rapid improvement	The authority cannot evidence it is sufficiently strong to maintain the necessary long-term sustainable improvement to Children's Social Care	The Local Authority and its partners will commit to support the improvement journey	C3

The Council loses control of Children's Social Care Services.	In cases of persistent or systemic failure there is a presumption that children's social care services should be removed from local authority control, for a period of time, in order to bring about sustainable improvement, unless there are compelling reasons not to do so	The leadership of the council will prioritise the needs of children. This will be reflected in corporate decision-making, action and active attendance at key committees and boards The chief executive and lead member will ensure they are well informed and will hold the DCS and their leadership team to account for the quality of practice and the challenges in the local area Strategic leaders will ensure that relationships with key partners including the health community, the police, schools, Cafcass and the family courts provide a helpful and effective context for social workers and practitioners to work effectively with children and families The local authority will continue to be an active, strong and committed corporate parent – in line with the corporate parenting principles	C3

Recruitment & retention	Issues relating to recruitment & retention of Social Workers increase due to the Ofsted judgement	Introduce an engagement forum to support staff, ensure they feel valued and have a voice	C3
Financial Implications	Improving Children's Services will bring with it financial implications. This will create additional budget pressures for the authority	Maximise the use of the skills and expertise of colleagues within the council to improve Children's Services as opposed to commissioning external consultants Continue engagement with Partners in Practice to learn best practice and introduce this in Medway	B2
Caseloads	Whilst additional resource has been introduced to reduce caseloads, there is a risk that the published judgement will bring with it an increase in the number of referrals, which will require further Social Work resource	Ensure engagement with partners is increased and discussions regarding the outcome take place to reassure them that safeguarding children is a priority for Medway	C2

8. Financial implications

8.1 Improving Children's Services may create additional budget pressures for the Council. However, as suggested in section 7, maximising the use of the skills and expertise of colleagues within the Council as opposed to commissioning external consultants will reduce potential cost. We must anticipate, however, that there are likely to be some areas that will require external support to enable improvement.

8.2 Furthermore, as mentioned in section 4.3, the Council is required 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 function and provide such assistance as either the Secretary of State or the Children's Services Commissioner may require.

8.3 The directorate management team will work with colleagues from across the Council to identify opportunities to use resources more effectively, in order to deliver service improvement.

9. Legal implications

9.1 The Secretary of State for Education has powers in the Education Act 1996 and the Children Act 2004 to appoint a Commissioner for Children's Services and for the Commissioner to make directions to the Council to ensure the children's social care functions are performed to an adequate standard.

10. Recommendations

10.1 The Cabinet is asked to note the content of this report and improvement steps taken so far.

10.2 The Cabinet is asked to note that a further report will be submitted to Cabinet in December 2019 subject to the receipt of the feedback from the Children's Services Commissioner to the Secretary of State.

11. Suggested reasons for decision

11.1 To formally notify the Cabinet of the outcome of the inspection.

11.2 To ensure the Cabinet is informed of the feedback from the Children's Services Commissioner.

Lead officers contact

Jackie Brown, Head of Business Change (People) & ICT, 01634 332363, jackie.brown@medway.gov.uk

Sue Brunton-Reed, Head of Special Projects, 01634 334160, sue.bruntonreed@medway.gov.uk

Appendices

Appendix 1 – Ofsted Inspection of Medway's Children's Services July 2019
Appendix 2 – Department for Education Statutory Direction August 2019

Background papers

None

Ofsted
raising standards
improving lives

Medway Children's Services

Inspection of children's social care services

Inspection dates: 15 July 2019 to 26 July 2019

Lead inspector: Brenda McLaughlin
Her Majesty's Inspector

Judgement	**Grade**
The impact of leaders on social work practice with children and families	Inadequate
The experiences and progress of children who need help and protection	Inadequate
The experiences and progress of children in care and care leavers	Requires improvement to be good
Overall effectiveness	Inadequate

Services to help and protect children in Medway are inadequate. Most areas have deteriorated since the single inspection of services in 2015. Many vulnerable children who have experienced long-term neglect, and those at risk of exploitation and who go missing from home or care, live in situations of actual harm or are at risk of harm for too long. Senior leaders have sustained improvements in the 'front door' single point of access (SPA) and the multi-agency safeguarding hub (MASH) following the priority actions identified in the 2018 joint targeted area inspection. However, they have failed to recognise or address the serious and widespread concerns identified by inspectors in the early help hubs and the assessment and longer-term team 'pods'. Attempts to drive improvement in these areas have had little impact, and the pace of change has been too slow.

Dedicated staff and frontline managers across teams are not being supported to practise safely. Caseloads in the assessment service are exceptionally high, with most social workers who met with inspectors being responsible for over 40 children, and some as many as 55 children. Services for children in care, for children who need to be adopted, and for young people leaving care are not good enough. Although, overall, children in care do well in their placements, permanence planning

arrangements are significantly underdeveloped. Access to health services for children experiencing emotional and mental health problems is not timely, and health provision for care leavers is a substantial concern. Cursory scrutiny by senior managers for children who are subject to the public law outline (PLO) means that children spend extensive periods of time at continuing risk of harm when they meet the threshold for care.

Leaders and elected members are cognisant of the challenges within the service, but their understanding is not based on a systematic analysis of weaknesses. The primary focus of these leaders has been on process and compliance. Ineffective and uncoordinated systems impede the local authority's ability to track and evidence progress. Despite the improvements found during a focused visit in February 2019, a lack of critical enquiry, combined with an over-reliance on unreliable audit findings and an over-optimistic self-assessment, means that senior leaders and politicians have failed to evaluate and understand children's lived experiences across the wider service. These are serious shortcomings, as senior leaders did not know about the extent of the failures to help and protect children until this inspection. In the very high number of cases brought to their attention by inspectors, managers and leaders had to act to ensure that children's needs were met, or that plans to protect children from harm were progressed appropriately.

Ofsted

What needs to improve

- Senior managers' oversight and understanding about vulnerable children's experiences, including through the quality, accuracy and effectiveness of audits.
- Staffing capacity across children's social care, early help hubs and leaving care teams.
- The response to risk for children who have experienced neglect, those exposed to parental domestic abuse and young people in danger of exploitation.
- The coordination and management oversight of early help services to support children to receive the right help at the right time.
- The quality and effectiveness of management oversight and supervision to make sure that children are protected from significant harm.
- The effectiveness of managers' formal permanence planning and decision-making at every point in the child's journey.
- The system for tracking children who go missing from home, care or education.
- Services to help care leavers access suitable accommodation, education, employment and training and to understand their rights and entitlements.
- The strategic relationship with health services, and operational delivery across a range of health functions, to support children and young people in care and care leavers.
- Leadership direction and assertive action to improve and develop the services to foster carers and prospective adopters.

The experiences and progress of children who need help and protection: inadequate

1. A significant increase in referrals and high staff vacancies have reduced the ability of dedicated early help staff to provide a timely and consistently reliably safe service. Delays in the provision of early help vary in length from initial contact to allocation and first visit. Caseloads are much too high within early help and within assessment teams. Consequently, staff are unable to provide the right support to children in order to reduce the harm that they face. Supervision by managers is regular, but in too many cases it is ineffective in providing case direction and in identifying the need for different action to reduce these risks.

2. Risks for some children who require statutory help and protection are not recognised soon enough by early help managers. Many children step down too soon from children's social care when their needs and risks have not been understood or fully assessed, and change has not happened or been sustained. This is particularly prevalent in cases where vulnerable children have experienced neglect over a long period of time, sometimes over many years, and have been the subject of multiple assessments and interventions. For too

many children, the help provided has not made a difference to their challenging and difficult lives. The recent restructure of separate early help assessment and intervention teams has created further delays for children.

3. The co-location of multi-disciplinary staff such as health visitors, midwives, youth and social workers in early help hubs is intended to make sure that children receive the correct level of help and protection. While a wide range of commissioned services for children on the edge of care are in place, they are fragmented. These services lack effective senior management coordination and are not sufficiently amalgamated to address the complexity of older children’s needs.

4. Contacts and referrals for children in need or at risk are managed promptly in the MASH. All decisions are made within 24 hours. Consent is routinely sought or is overridden where this is appropriate. Decision-making is well informed by contributions by partner agencies and domestic abuse and exploitation coordinators. Education professionals based in the SPA are helping to build relationships with school staff. There is evidence of management oversight at key points, and this affords additional safeguards. The out of hours service, shared with another council, is responsive, and there is no delay in taking necessary action. Communication with day services is swift and effective.

5. Too many vulnerable children identified by the Medway MASH as requiring statutory assessments and interventions wait too long to be seen. This leads to unassessed risks for many children. A failure to recognise or respond promptly to increasing risk, and an overreliance on parents’ own reports of their progress, alongside weak oversight by managers, has led to some children’s cases being closed prematurely. These children are often referred again when their circumstances deteriorate.

6. Capacity issues in the assessment teams are considerable, with too few social workers to carry out the work. Caseloads are high and social workers are routinely allocated additional work as they are also responsible for providing a duty service when cases are transferred daily from the MASH. The creation of an additional team with four new social workers starting in August is intended to reduce this pressure. Despite the relentless pressures, staff describe feeling supported by their line managers. Morale is good. Committed workers and frontline managers strive to provide children with a good service, but several reported concerns about their ability to undertake good-quality assessments, make effective plans and take necessary and timely action due to their workload.

7. Despite the high volume of referrals, assessment timeliness has improved, but it is unclear what interventions are taking place to help and protect children during the 45-day assessment period. There are delays in visiting children. Many of these children and their family members have been known to services for long periods and have been subject to multiple assessments. The pervasive impact of

chronic long-term neglect and domestic abuse on children's experiences is not fully recognised or sufficiently addressed in supervision.

8. Better quality assessments capture the lived experience of children and draw on the views of other professionals. They include detailed observations of individual children and clearly record their views. However, most assessments are descriptive and too many do not reflect the level of risk and need. These assessments are superficial and adult-focused. They lack professional curiosity and are rushed through because workers are under pressure to transfer children to the long-term 'pods', to step cases down to early help or to close the case. While most children are seen and seen alone, and there is evidence of some direct work, it is not routine or purposeful.

9. There are also delays in convening some strategy discussions, both in the assessment service and in the long-term team pods. Recent action by managers to convene daily meetings is intended to address this delay. Records do not routinely provide an account of the rationale for final decisions or timescales about single or joint agency child protection investigations. Planned review strategy meetings do not consistently take place to assess progress. When a decision is made that there needs to be a child protection conference, there are often delays in convening these meetings and in developing a multi-agency plan to address risk. The quality of children in need and child protection plans is variable but is beginning to improve. Inspectors saw some good examples of both, but many plans lacked clarity about the actions required and how progress will be measured within the child's timeframe.

10. Although inconsistent, the quality of practice in the long-term team pods is better than in the assessment service, as social workers have more manageable caseloads. In stronger cases, social workers have purposeful relationships with children. They see them regularly and alone, according to assessed needs. They understand their lived experiences and take timely action to make changes that help and protect children and their families. Collaborative professional relationships are helping to safeguard these children

11. Most social workers receive regular supervision, but managers at all levels do not consistently identify or challenge drift and delay. Subsequently, some children who live with serious domestic abuse, poor parental mental health and adult substance misuse wait too long in situations of ongoing harm. For example, senior management arrangements to track and review children who are subject to the PLO are inadequate. Insufficient management oversight and delays in commissioning assessments have hampered timely decision-making about applications for family court orders. Too many children spend an extensive period at the pre-care proceedings stage, with no review or progress against agreed actions. Consequently, some children and young people who may need to be in care wait for too long.

12. The strategic and operational coordination of information and systems in Medway to monitor and assess the impact of work with vulnerable adolescents and children at risk of exploitation is weak. A multi-agency panel is ineffective in systematically tracking and reviewing children who are at risk of sexual exploitation. Minutes of the panel discussion are not routinely available, and actions are not tracked. Inspectors found some evidence of good and effective risk analysis on a case-by-case bases, but this is not underpinned by a coherent strategic partnership approach. Inconsistent responses for some children at risk of sexual exploitation or who go missing from home or care mean that their needs are not fully understood or met soon enough. A daily 'missing' report is produced by the police, but it is unclear how this is used to safeguard children. Management systems to track return home interviews that have taken place with missing children are muddled and inaccurate. The local authority has plans to move the responsibility for completing and monitoring return home interviews to another team.

13. Checks on children missing education are not completed in a timely way to ensure that children are safe. Information is held by different teams. This does not provide leaders with an accurate oversight of children who are not currently educated full time in a school. A small number of children who have been waiting for a school place do not have access to alternative education. The number of children who are electively home educated is rising. Staff take appropriate and proportionate actions to check that these children's needs are met, offering support to parents so that they understand the responsibility they have taken for their child's education.

14. Allegations made against professionals and the associated risks to children are managed well by the designated officer. The response to referrals is both prompt and proportionate. Outcomes are well recorded, with detailed analysis. This is a vast improvement since the previous inspection. Children who are privately fostered are visited regularly and live in suitable and sustainable care arrangements. A joint service with housing to assess vulnerable 16- to 17-year-old young people who are homeless needs strengthening to ensure that young people receive a consistent and comprehensive service. They are not regularly advised of their rights and entitlements, thus their ability to make informed choices is limited.

15. Disabled children in need of help and protection support receive an effective service. Social workers in the children with disability team demonstrate child-centred practice and a good understanding of children's needs. Assessments are comprehensive. The co-location with adult's social care is leading to early and comprehensive transition plans.

The experiences and progress of children in care and care leavers: requires improvement to be good.

16. Decisions to bring children into care are appropriate. However, some decisions are made in an emergency and are not timely enough or effectively planned to respond to significant escalating risks while children remain at home. Several children would have benefited from being in care sooner. Nevertheless, when children come into care they are safer, and the majority make progress in stable homes with the same foster carer. This includes children who returned to the same foster carers following adoption breakdown. This gives children an additional sense of belonging and stability.

17. Children spoke positively about their carers, although some were unhappy with frequent changes in social worker. Others provided examples of how they have been given support in school. Children talked about the opportunities they have had to go on holiday and to be able participate in activities that they were unable to do when living with their parents. Most children live in placements that meet their needs and they are well cared for. Where possible, they live with their brothers and sisters. However, some children experience multiple placement moves or live a long way from their home area, which disrupts their education. This included a small number of cases where risks to children were not understood or acted on.

18. Despite staff changes, most social workers in the long-term team pods visit children in care frequently and know them well. There are some good examples of skilful direct work helping to build strong relationships that are enabling children to feel safe enough to share sensitive information about their lives. Foster carer mentors successfully work with children and carers, helping children to remain with the same carer. Life-story work and 'later life letters' to help children understand their life history are not prioritised for too many children whose plan is not for adoption. This is poor practice because children do not have the opportunity to fully understand and explore with a trusted adult why they cannot live with their parents.

19. Assessments are routinely updated for statutory reviews. Almost all children's care plans are regularly reviewed by independent review officers (IROs), who know children well. IROs routinely carry out midway reviews and provide comprehensive notes that consider all dimensions of the child's life. Concerns are escalated, but there is little evidence that this is driving urgency in permanence planning. Access to health services when children come into care and for children experiencing emotional and mental health problems is poor. Heath provision for care leavers is a significant concern.

20. Fragmented systems to track and monitor permanence planning is a key weakness and is leading to avoidable drift and delay for some children. A revised permanence strategy is in place, but is not yet embedded. While improving, planning meetings are not taking place with enough frequency and are

insufficiently focused on timeliness. For instance, ineffective management oversight, tracking and monitoring means that decisions about changes to care plans for children subject to placement orders are not taken back to court as is required legally. It is not clear where the responsibility for pursuing revocation of placement orders lies. The agency decision-maker has failed to effectively oversee this. As a result, birth families are not informed of this significant change to their children's care plans in a timely way.

21. Under new leadership, the virtual school has instigated a strategy for improvement, welcomed by schools. Virtual school staff are now much better informed about pupils' education. Staff are suitably ambitious for children in care and have taken useful steps to improve their academic outcomes. Some children make progress in education when they come into care. Younger children participate in a wide range of enriching after-school and community-based activities. The quality of children's personal education plans is improving from a low starting point. The virtual head's well-founded plans to improve children's academic outcomes have only been implemented recently, so the impact is currently quite limited, particularly for care leavers. Although the proportion of young people staying in education, employment or training post-16 has increased since the last inspection, it remains well below average. Careers information and guidance are not effective enough in inspiring younger pupils and encouraging their future aspirations.

22. In addition to regular visits from supervising social workers, adopters and foster carers are well supported through workshops, training events and support groups. Most foster carers, connected carers and prospective adopter assessments are satisfactory. The quality of child permanence reports is inconsistent. Post-adoption support is comprehensive and is accessed easily. Positive changes brought about by managers appointed in January 2019 have improved the levels of communication and support to foster carers and adopters in Medway. Previously, carers had not been well informed of specific plans and strategies to enable them to manage and minimise risk following serious incidents. New systems and processes are beginning to have a positive impact. Carers reported that communication and support have recently improved. However, while managers can talk about areas requiring improvement, they do not have a clear strategic overview of weaknesses. There is a lack of senior leadership direction on priorities to improve and develop the current fostering and adoption services.

23. An external review of care leavers' services is leading to more investment and the development of a separate care leavers service. Pathway planning currently takes place too late because of a lack of staff capacity. Inspectors met with a large number of care leavers, and the majority reported having positive relationships with their personal advisers (PAs). This includes those care leavers who have been in prison or who are living at a distance from Medway. Young people who have regular contact describe PAs as 'absolutely brilliant'. Other

young people in more settled circumstances are less confident about contacting PAs for support.

24. Not all care leavers are informed of their rights and entitlements. They do not routinely receive their health histories, national insurance numbers or photographic identification before they turn 18 years old. Emotional and mental health support provided to care leavers by the local child and adolescent mental health service and the clinical commissioning group are insufficient and ineffective. Pathway plans are completed along with young people. However, young people are not routinely given copies of their plan, and actions sometimes lack clarity about how identified needs will be met. The quality and choice of supported accommodation commissioned by the local authority is variable and limited. Some care leavers are worried about breaches of privacy and poor living conditions. Senior leaders have not visited all local authority-commissioned accommodation to assure themselves that it is suitable to meet these young people's needs. Staying put arrangements are supported for those young people who are eligible.

The impact of leaders on social work practice with children and families: inadequate

25. Corporate and senior children's social care leaders were not aware of the widespread and serious concerns experienced by some of their most vulnerable residents until this inspection. Inspectors brought to the attention of the local authority 74 children from 43 families, who were either at risk of significant harm or where there were unacceptable delays in progressing work. Senior leaders and managers had to act to make sure that those children who were at risk were safe, and that plans to help others were immediately reviewed or progressed more quickly.

26. Governance arrangements in Medway are clearly delineated, and links between the chief executive, lead member and the director of children services (DCS) are well established. Medway's corporate transformation team and children's services are working together to identify areas in the service that can be improved or transformed. Objectives and aspirations for vulnerable children are clearly articulated, underpinned by the strategic delivery of children's services, in area-based social work teams, created with the intention of minimising social work changes. Notwithstanding the apparent commitment to improving services for children, there is insufficient analysis and understanding of underlying complexities and continuing risks to children. These are serious weaknesses. Change has not happened quickly enough for too many children at risk.

27. A strategic improvement plan for children's services, developed with partner agencies and monitored by senior leaders in several forums, routinely considers the substantial staffing and high workload challenges in children's social care. However, the plan is perfunctory. Evaluation is not based on a systematic

analysis of the current service weaknesses, or on a full understanding of the present experiences of vulnerable children. Minutes from meetings evidence detailed discussions about current pressures and consider reports on performance and audit findings, but leaders concentrate too much on process and compliance. While the components are in place to deliver safer services, ineffective and uncoordinated systems impede the local authority's ability to track and evidence children's progress.

28. Highly committed and skilled social workers and frontline managers work extremely hard under very difficult circumstances. They regularly work evenings and weekends to see vulnerable children and complete reports. This is not sustainable. Action by leaders has not been successful in creating an environment in which good social work practice can flourish. Senior leaders do not have an accurate view of the impact of high workloads on their staff.

29. Corporate parenting arrangements are being reviewed by the recently appointed lead member for children. Although performance data is scrutinised, it is not clear how effectively the quality of practice is examined or understood by the board. More work is required to ensure that actions emanating from the corporate parenting board are sufficiently tracked to ensure completion. The views of children and young people are well reflected in the minutes, but young people have questioned the board's effectiveness in changing things that are important to them, such as numerous changes in social worker.

30. Performance management information is readily available and analysed by senior leaders and operational leaders weekly and monthly. A comprehensive audit programme underpins the revised quality assurance framework. However, there is a significant disparity between auditors about what good practice looks like. The findings are often overly optimistic, with key areas of poor practice and delays in progressing work being missed in too many cases. These often-inaccurate audit findings are leading to false evaluations about the quality and effectiveness of social work practice. The recent practice of moderating audits is starting to improve the accuracy of audit gradings.

31. A significant challenge facing the local authority is the instability within the children's workforce. A relentless national recruitment campaign has had some success in reducing vacant social work posts from 39% to 25% across children services. Leaders have secured funding to increase the overall number of social workers. However, at the time of the inspection the vacancy rate in some frontline teams was still 35%. A range of training is available to staff, including a compulsory three-day session on 'the foundations of practice' introduced in June 2018, followed by monthly themed workshops which have included learning from audits, external reviews and complaints. The local authority does not rigorously evaluate the impact of training to inform its effectiveness or enable it to focus attention on areas of the greatest priority.

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Piccadilly Gate
Store Street
Manchester
M1 2WD

T: 0300 123 1231
Textphone: 0161 618 8524
E: enquiries@ofsted.gov.uk
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STATUTORY DIRECTION TO MEDWAY COUNCIL IN RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996

WHEREAS:

1. The Secretary of State for Education ("the Secretary of State") has carefully considered Ofsted's report of 27 August 2019, in respect of Medway Council ("the Council"), of its inspection carried out between 15 – 26 July 2019. The inspection report found that children's services are 'inadequate' overall. The sub-judgements for the impact of leaders on social work practice with children and families and the experiences and progress of children who need help and protections were both rated as 'inadequate'. The sub-judgement for the experiences and progress of children in care and care leavers was rated 'requires improvement to be good'.

2. The Secretary of State is therefore satisfied that the Council is failing to perform to an adequate standard, some or all of the functions to which section 497A of the Education Act 1996 ("the 1996 Act") is applied by section 50 of the Children Act 2004 ("children's social care functions"), namely;

    a) social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
    b) the functions conferred on the Council under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph a. above); and
    c) the functions conferred on the Council under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.

3. The Secretary of State has appointed Eleanor Brazil as Commissioner for Children's Services in Medway ("the Children's Services Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.

4. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with his powers under section 497A(4B) of the Education Act 1996, to direct the Council as set out below in order to ensure that all of the Council's children's social care functions are performed to an adequate standard.

NOW THEREFORE:

5. Pursuant to his powers under section 497A(4B) of the Education Act 1996 Act, the Secretary of State directs the Council 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 Children's Services 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:

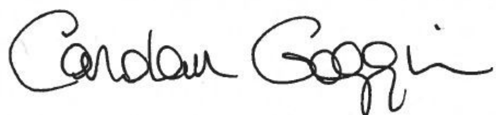
    i. providing officers' time or support;

    ii. providing office space, meeting rooms or computer facilities;

d. To co-operate with a Children's Services Commissioner-led review as to whether the most effective way of securing and sustaining improvement in Medway is to remove the control of children's social care services from the Council for a period of time.

6. This direction will remain in force until it is revoked by the Secretary of State.

Signed on behalf of the Secretary of State for Education.



CAROLAN GOGGIN
A Senior Civil Servant in the Department for Education
Dated this day of 27 August 2019

ANNEX

Non-Executive Commissioner for Children's Services

Medway Council

Terms of Reference

There is a presumption in cases of persistent or systemic failure that children's social care services will be removed from local authority control, for a period of time, in order to bring about sustainable improvement, unless there are compelling reasons not to do so.

In line with the recommendations set out in the Ofsted report of children's social care, published 27 August 2019, the Children's Services Commissioner for Medway is expected to take the following steps:

1. To issue any necessary instructions to the Council for the purpose of securing immediate improvement in the Council's delivery of children's social care; to identify ongoing improvement requirements; and to recommend any additional support required to deliver those improvements.

2. To bring together evidence to 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.

3. To advise on relevant alternative delivery and governance arrangements for children's social care, outside of the operational control of the Council, taking account of local circumstances and the views of the Council and key partners; and

4. To report to the Parliamentary Under Secretary of State for Children and Families by 1 December 2019.

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