

CABINET

14 JANUARY 2020

REPORT FROM THE MINISTER OF STATE FOR CHILDREN AND FAMILIES ON WAYS FORWARD FOR CHILDREN'S SERVICES IN MEDWAY

Portfolio Holder:	Councillor Mrs Josie Iles, Portfolio Holder for Children's Services (Lead Member)
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Summary

This report provides the Cabinet with the outcome of the Commissioner's report regarding Children's Services and also with the new Statutory Direction, issued to Medway Council in relation to Children's Services.

The report was considered by the Children and Young People Overview and Scrutiny Committee on 9 January 2020 and the draft comments of this Committee are set out in section 7 of the report.

1. Budget and Policy Framework

- 1.1 This report supports the Council Strategy 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' (ILACS), the framework for inspecting local authority services for children in need of help and protection, children in care and care leavers.
- 1.3 This report has been circulated separately to the main agenda. Therefore, the Cabinet is asked to accept this report as urgent to enable consideration of the matter at the earliest opportunity (the next scheduled Cabinet meeting is due to take place on 4 February 2020).

2. Background

- 2.1 The Ofsted ILACS took place in Medway Children's Services from 15 to 26 July 2019 and 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 overall judgement for Medway was rated inadequate.
- 2.3 The Department for Education (DfE), therefore, 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 was appointed by the Secretary of State.
- 2.4 The Commissioner appointed for the DfE to act as the Medway Children's Services Commissioner is Mrs Eleanor Brazil.
- 2.5 Over a 3 month period, the Commissioner has spent time with Children's Services and the Leadership Teams; she met regularly with the Leader of the Council, the Lead Member for Children's Services, the Chief Executive and the Director of People, Children and Adults Services. She also met with a wide range of stakeholders, including a number of our partners, such as the CCG, Police and Education Leaders.
- 2.6 The Commissioner submitted her report to the Secretary of State, on 2 December 2019. Her findings were made public on 10 January 2020.
 - 2.6.1 Appendix 1 provides the Cabinet with a copy of the report.
- 2.7 The Parliamentary Under Secretary of State for Children and Families, Department for Education, issued a new Statutory Direction to Medway Council in relation to Children's Services under Section 497A(4B) of the Education Act 1996. This was published on the 10 January 2020 and will revoke the first direction.
 - 2.7.1 Appendix 2 provides The Cabinet with a copy of the new Statutory Direction.
- 2.8 The Children and Young People Overview and Scrutiny Committee considered the report on 9 January 2020 and the draft comments are set out in section 7 of the report.

3. Recommendations of the Commissioner's Report

- 3.1 The report sets out the Commissioner's findings and recommendations below for the Council to focus on.
 1. The Leader, Lead Member, Chief Executive and Director of People, must ensure that they prioritise what needs to change, to co-ordinate action, to be clear about the implications and potential consequences and to implement change in a planned way.

2. There are two key strands to the support that is needed. Firstly, the council leadership needs direct and intensive support to drive better scrutiny, understanding and leadership of children's social care – without this all other improvement activity will not achieve the rapid and significant changes needed. The Commissioner recommends that the Council is directed to work with a suitable leadership improvement partner to support the leadership to address recommendation one, and to develop the wider system, working with key partners in education, health and police, as well as across the Council.
3. The second areas of focus are the practice and front-line service delivery issues. Additional children's social care expertise and support must be secured through the Partners in Practice programme, or other expert advisors, to support the required improvements.
4. Recruitment to the two Assistant Director roles must proceed rapidly to secure robust and stable leadership to help drive change, and to provide greater confidence that progress will be sustained.
5. The Improvement Board must be the forum to over-see, challenge and support both the Council and its partners. The Chair of the Improvement Board must report progress on a regular basis to the DFE.
6. The Commissioner role should be retained for a period of time to allow the Commissioner to assess and report back to the Minister for Children and Families within six months, whether the support has had the intended impact, or if not, if the Council should continue to retain operational control.

4. Response from the Parliamentary Under Secretary of State for Children and Families, Department for Education

- 4.1 After carefully considering the Commissioner's report, the Parliamentary Under Secretary of State for Children and Families responded stating that:
 - 4.1.1 The report paints an accurate picture of the challenges currently facing the service and gives a clear account of the issues that have led to its decline back to inadequate.
 - 4.1.2 There is an urgent need to bring about change in a more coordinated way and the evidence in the report clearly demonstrates the service does not currently have the leadership skills to do this.
 - 4.1.3 Medway Council will be directed to work with a Leadership Improvement Partner to drive forward the changes necessary to achieve the required standards in children's social care. Should this not be effective in bringing about the rapid change needed, alternative forms of service delivery will be considered.
 - 4.1.4 The Council has taken a number of positive steps in recent months. The recruitment of additional frontline staff and an interim assistant director with

experience of turning around struggling services is a good step forward but permanent recruitment to the two Assistant Director roles is now vital to secure the robust and stable leadership needed to help drive change and provide greater confidence that progress will be sustained.

- 4.1.5 Eleanor Brazil's term as Commissioner has been extended for a further 12 months to oversee the development of a comprehensive work plan with the Leadership Improvement Partner and carry out a review of the arrangement at six and twelve months. Should the support not have the impact expected, Eleanor will re-consider whether services would be better delivered outside of the Council's control.

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.
- 5.4 The first quarterly monitoring visit by a team of Ofsted inspectors, will take place on 18 and 19 March 2020. The report of this visit will not be made public, but reports of subsequent visits, scheduled for 10 and 11 June 2020 and 6 and 7 October 2020 will be published.

6. Progress since the Inspection

- 6.1 An Improvement Board has been set up, comprising elected Members, Local Authority officers, and key partner agency representatives. The Improvement Board meets monthly and is independently chaired by Lucy Butler, Director of Children's Services, Oxfordshire County Council. The Improvement Board is attended by Eleanor Brazil, Commissioner, and Lauren Dobson, DfE Case Officer. The Improvement Board oversees the progress on the Improvement Plan and provides challenge and support.
- 6.2 An Improvement Plan has been submitted to Ofsted, which sets out key actions over the coming twelve months, identifies lead officers and timescales, and provides baseline data and target indicators to measure progress (see Appendix 3). The Director provides a monthly report on progress against the plan to the Improvement Board.
- 6.3 The recruitment campaign for the two new Assistant Director posts, one for Children's Services and one for Schools and Special Educational Needs and Disabilities, is well progressed. These posts are being presented to Council for approval on 23 January 2020 and interviews are scheduled for February.

- 6.4 Officers are in the process of developing Member training and are engaging with the Local Government Association who have agreed to support Medway in the development of a bespoke training package.
- 6.5 Additional resources have been agreed to support immediate improvement activity. This includes:
- Additional social work posts in the assessment and area teams to reduce caseloads to a manageable level;
 - Auditor capacity to review open cases and provide reassurance that children are safe, and a plan is in place to support positive change;
 - Project manager capacity for a realignment of the service which will create specialist teams for working with child protection and child in need plans, children in care and adolescents. These will support manageable workload, and practice improvement.
- 6.6 Discussions have taken place with Essex County Council with regard to Partner in Practice support around our Early Help Service and Assessment Teams. It was agreed during the scoping discussion that Essex would therefore undertake:
- A Deep Dive Diagnostic of Medway's Early Help Service – January 2020 (initially request for Dec 2019 however this was not viable in terms of notice and capacity this month);
 - Diagnostics of the 5 Assessment Teams in Medway – to be completed by mid-February 2020.
- 6.7 The above Deep Dive/Diagnostics would then result in a Learning Workshop per service and the opportunity to visit their counterparts in Essex to observe and understand practice in action.
- 6.8 A later request was then made for Essex Early Help to begin the work by attending an Early Help Service Session in Medway on 11th December to go through Essex's documents and enable them to gather intelligence on how Medway work.
- 6.9 In addition, a review of the Multi Agency Safeguarding Hub has been carried out by an independent consultant, who will make recommendations which will be built into the Improvement Plan.
- 6.10 Essex will also carry out a review of our Children with Disabilities service; this will take place in February.
- 6.11 An agreement in principle has been secured with Oxfordshire County Council to carry out a review of our Fostering Service. Communication is underway between the two local authorities and Oxfordshire have described some innovative practice which will support the improvements needed in our Fostering Service here in Medway.

- 6.12 Weekly performance clinics are taking place, chaired by the Assistant Director, which review performance indicators and consider other qualitative measures which are impacting on practice improvement.
- 6.13 Engagement events are taking place with staff and senior officers to seek their views and ideas; these have been incorporated into plans for improvement including realigning the service.
- 6.14 A programme of training and development is being commissioned to support the roll out of a practice model across all service areas: Signs of Safety. This is a well-researched and evidenced programme of intervention which builds on family strengths but clearly identifies concerns and supports focused safety.

7. Children and Young People Overview and Scrutiny Committee - 9 January 2020 Draft Minute

- 7.1 The Director of People – Children and Adults Services introduced the Commissioner for Children’s Social Care in Medway who had been appointed by the Department for Education in September 2019, following Ofsted’s inspection of the local authority’s Children’s Services, which had judged the service as inadequate.
- 7.2 The Commissioner then introduced her report, which had been prepared for the Minister of State for Children and Families, on the way forward for Medway. It was explained that the report should have been published earlier by the Government, however due to delays caused by the General Election in December, the report and Statutory Direction, would not now be published until Friday 10 January 2020, and therefore embargoed until publication took place.
- 7.3 The Commissioner explained that the report and statutory direction included a number of required actions which would address the concerns of the Commissioner and the Minister, in relation to Medway’s capacity to deliver improvement at pace and also to sustain it. She emphasised that sustainability of improvement was as important as the improvement itself. She also commented on the issue of pace at Medway which she explained was difficult to measure. Whilst she commended Medway’s Children and Young People Plan she commented that as yet she was unaware of a related action plan.
- 7.4 The Commissioner also made reference to the role of Members and scrutiny which she explained needed strengthening. She felt all Members needed access to more and improved training around children’s services to enrich their ability to effectively carry out their role as Councillors, representing residents, being corporate parents to looked after children or being scrutiny committee members. She emphasised the role of scrutiny in monitoring and challenging and explained it had a role in overseeing the improvement journey as much as the Improvement Board.

- 7.5 Members then raised a number of questions and comments, which included:
- 7.5.1 **Member engagement and training** – comment was made that Councillors from all political parties needed to engage in scrutiny more effectively. In terms of member training, the Director of People – Children and Adults Services confirmed that work was underway with Democratic Services to set up a training package which would be developed with support from the Local Government Association and the Centre for Public Scrutiny. It was hoped the first session would take place around late January and would provide Members with dashboard information, which was also presented to Improvement Board and would help Members focus on how to use the information to effectively and robustly challenge. The Commissioner added that it would need to include finding ways that Members could hear from children, parents and front line staff to reality check and fully appreciate situations that staff respond to. It was also confirmed that the training package would be extended to all Committee Members, not just Councillors.
- 7.5.2 **Process** – following queries about the process and accountability, the Commissioner explained that she would carry out a review report in six and twelve months, which would judge to what extent the Council had addressed actions in a timely way. She added that a Partner in Practice and a Leadership Improvement Partner had both been identified as additional resource to give Medway the best opportunity of making the level of sustained improvement that was required.
- 7.5.3 **Overview and Scrutiny reporting** – comment was made about reports being too process heavy and not analytical enough and comment was also made about the future work of the Committee and how it may structure its meetings into themes, as well as frequency of reporting. The Commissioner commented that in her view reports to the Committee were not enough about what was happening currently and what performance looked like at that moment. Many reports were about the Council's intentions and plans to do things but she felt this needed to be accompanied by reports around current status of services. She felt it would be helpful for the Committee to have more reports about various aspects of service delivery, such as support services for children with disabilities or performance around identifying children at risk, as examples.
- 7.5.4 **Progress so far** – the Commissioner assured Committee Members that progress was being made. She expressed the commitment of the Council's leadership in moving forward and referenced some of the areas of improvement that had already been made such as reduced caseloads. The Director also confirmed that some additional staffing resource had been added to the service shortly after the inspection and following discussions with the Leader of the Council and the Portfolio Holder for Children's Services (Lead Member) there was an ongoing commitment to substantially increase the staffing establishment of the service going forward.
- 7.5.5 **Accountability** – in response to a question about the reporting on progress and accountability, the Commissioner explained that overall reporting to the Minister of State was her responsibility. She confirmed that an update would be provided to the Minister in 3 months time, which would involve commentary

from the Leadership Improvement Partner and the Independent Chair of the Improvement Board.

- 7.5.6 **Proposals relating to the Old Vicarage Children's Home** – reference was made to the proposals (which were the subject of a report later on the agenda). The Commissioner confirmed her support for the proposals which would provide Medway with an opportunity to develop provision which could better meet the needs of children and young people with complex needs.
- 7.6 The Committee thanked the Commissioner for her attendance and noted the report and welcomed the forthcoming Member training and discussions on how to improve the Committee's scrutiny function.

8. 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 Improvement 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.	<p>The Improvement Board will monitor progress and will hold people to account if progress is not positive.</p> <p>Regular management oversight within the service, and increased quality assurance activity will provide assurance of individual children's safety</p>	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.	<p>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.</p> <p>The Leader of the Council, Chief Executive and Lead Member will ensure they are well informed and will hold the Director of People – Children and Adults Services and their leadership team to account for the quality of practice and the challenges in the local area.</p>	

<i>cont'd</i>		<p>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.</p> <p>The Local Authority will continue to be an active, strong and committed corporate parent – in line with the corporate parenting principles.</p>	C3
Recruitment & retention	Issues relating to recruitment & retention of Social Workers increase due to the Ofsted judgement.	<p>An engagement forum has been introduced to support staff and ensure they recognise they are valued and that they are not to blame for the inspection outcome.</p> <p>The forum enables staff to put forward ideas that support recruitment and retention.</p>	C3
Financial Implications	Improving Children's Services will bring with it financial implications. This will create additional budget pressures for the authority.	<p>Continue engagement with Partners in Practice to learn best practice and introduce this in Medway.</p> <p>Identify appropriately skilled resource in the Council to support changes in the authority to support the Improvement Programme as an alternative to commissioning external resource</p>	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
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9. Implications for Looked After Children

- 9.1 The planned realignment of the service, developing specialist teams for children in care, will offer Medway's Looked After Children an improved service.
- 9.2 Practitioners will be enabled to prioritise permanency planning and direct work, which will support better outcomes for our children in care.

10. Financial implications

- 10.1 Improvements to the service require investment over and above the current in-year budget for Children's Services. There is a need for urgency and pace, in order to demonstrate that the Council has the capacity to make the required changes. Maximising the use of the skills and expertise of colleagues within the Council as opposed to commissioning external consultants will reduce potential cost. However, there will be areas that require external support to enable improvement.
- 10.2 Improvement activity requiring additional investment has been identified in the Improvement Action plan. Some additional immediate funding has been made available to the service, and further work was undertaken to set out a business case for additional investment requirements, outlining the costs and the anticipated benefits to the efficiency of the service that was submitted and funding agreed.
- 10.3 A detailed, fully costed proposal for the realignment of the service has been developed. This sets out the gap between the current establishment of workers and managers, and the requirements for the new structure, which supports manageable workloads. In the longer term, this model will create conditions for improved practice, which is more efficient and will make permanent recruitment more successful. Following recent discussions it has been agreed with the Leader of the Council that we will substantially increase the staffing establishment for the Children's Social Care service, which will be implemented immediately.
- 10.4 Clearly the financial position of the authority is taken into consideration when developing proposals. Therefore, the service works closely with corporate finance colleagues to ensure accuracy and enable robust forecasting.
- 10.5 The directorate management team will continue to work with colleagues from across the Council to identify opportunities to use resources more effectively, in order to deliver service improvement.

11. Legal implications

- 11.1 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.

12. Recommendations

12.1 The Cabinet is asked to:

12.1.1 consider the comments of the Children and Young People Overview and Scrutiny Committee and;

12.1.2 note the content of this report and the improvement steps taken so far.

13. Suggested reasons for decisions

13.1 To formally notify the Cabinet of the outcome of the Commissioners Report.

13.2 To ensure Cabinet are informed of the feedback from the Children's Services Commissioner and the Statutory Direction from the Secretary of State.

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Appendices

Appendix 1 – The Commissioners Report - 'Report to The Minister of State for Children and Families on ways forward for Children's Services in Medway'

Appendix 2 – Statutory Direction to Medway Council in Relation to Children's Services Under Section 497A(4B) of The Education Act 1996

Appendix 3 – Improvement Action Plan November 2019

Background papers

None