

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 noted in respect of Medway Council ("the Council") that performance in respect of children's social care services is 'inadequate' as detailed in Ofsted's inspection report of 27 August 2019 (the 2019 Ofsted report).
2. The Council's failure led the Secretary of State to issue a statutory direction on 27 August 2019 ("the first direction"), requiring the Council to comply with any instructions of the Secretary of State or Children's Services Commissioner for Medway; and to co-operate with a Commissioner-led review of services.
3. The Secretary of State has carefully considered:
 - a. Ofsted's inspection report of 27 August 2019, which found the Council's delivery of children's social care services, particularly in relation to the impact of leaders on social work practice with children and families and the experiences and progress of children who need help and protections to be rated as 'inadequate'.
 - b. The Children's Services Commissioner's report of December 2019 ("the 2019 Commissioner report") which concluded that in order to provide sustainable improvements to children's social care services the Council requires external direction and intensive leadership support.
4. The Secretary of State is therefore satisfied that the Council is still 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.
5. The Secretary of State will appoint a Leadership Improvement Partner to work with the Council in accordance with, and for the purposes of, the terms of reference ("the terms of reference") set out in Annex A to this

direction.

6. The Secretary of State has extended the appointment of 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 non-executive Commissioner's Terms of Reference") set out in Annex B to this direction.
7. 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:

8. 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 Leadership Improvement Partner and / 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 may require;
 - b. To co-operate with the Leadership Improvement Partner and / or Children's Services Commissioner, including on request allowing either 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 be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference or non-executive Commissioner's Terms of Reference.
 - c. To provide the Leadership Improvement Partner and / or Children's Services Commissioner with such amenities, services and administrative support as they may reasonably require from time to time for the carrying out of their responsibilities in accordance with the Terms of Reference or non-executive Terms of Reference, including:
 - i. providing officers' time or support;
 - ii. providing office space, meeting rooms or computer facilities;

- d. To ensure a comprehensive progress report is provided by the Director of Children's Services to each meeting of the Improvement Board;
 - e. To co-operate with a Commissioner-led review at 6 and 12 months from the date of this direction to assess whether the Council is making sufficient progress in improving its children's social care services;
 - f. To ensure that the Chair of the Improvement Board reports to the Secretary of State on progress in delivering the improvement plan, on a quarterly basis
9. In consequence of this direction, the Secretary of State revokes the first direction.
10. 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

A handwritten signature in black ink, appearing to read 'M Edwards', written in a cursive style.

Matthew Edwards
A Senior Civil Servant in the Department for Education
Dated this day of 07 January 2020

ANNEX A

Medway Council Leadership Improvement Partner

Terms of Reference – January 2020

1. Medway Council (“the Council”) has failed in its delivery of children’s social care services. The 2019 Ofsted report found the service to be ‘inadequate’ overall.
2. The Leadership Improvement Partner is expected to support the Council to prioritise children’s social care services, to co-ordinate action and to implement change in a strategic way. This will include managing the resources and expertise required to improve those areas of practice that Ofsted has judged to be inadequate. The Leadership Improvement Partner shall in particular:
 - a. Provide leadership, support and practice advice in line with priorities agreed with the Council and set out in the Commissioner’s report and addressing areas of weakness identified by the Ofsted report;
 - b. Provide training and coaching to key members – Leader, Lead member, scrutiny and corporate parenting panels, including opposition members;
 - c. Provide direction, monitoring, coaching and supervision to the Chief Executive and children’s services senior team to secure the necessary improvements and to build their capabilities;
 - d. To issue any necessary instructions to the Council for the purpose of securing immediate improvement in the authority’s children’s social care service; and,
 - e. Provide regular reports to the Department for Education to assess service improvements in Medway by reference to the Commissioner’s report and Ofsted report. These reports may cover but are not exclusive to practice; performance; culture; leadership; management, scrutiny and governance; management oversight and early help.

ANNEX B

Non-Executive Commissioner for Children's Services

Medway Council

Terms of Reference

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

1. Support the appointment and implementation of the Leadership Improvement Partnership, including providing sign-off to the agreed work plan.
2. To provide advice and guidance to the Council as needed, particularly in relation to recruitment to senior posts within the Council, including attending assessment panels as necessary.
3. To bring together evidence to assess the impact of the Leadership Improvement Partnership arrangement. In particular, to conduct a review of effectiveness at 6 and 12 months to ensure the arrangement is having the impact needed to bring about long-term sustainable improvement.
4. If positive impact is not evident following review, 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.
5. To report to the Parliamentary Under Secretary of State for Children and Families at 6 and 12 months from the date of this direction.