

## **CABINET**

**12 MAY 2020**

### **OFSTED UPDATE REPORT - CHILDREN'S SERVICES IN MEDWAY**

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

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#### **Summary**

This report provides the Cabinet with a progress update on improvement activity since the Ofsted Inspection of Local Authority Children's Services.

#### **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. This framework outlines the responsibilities of both local authorities and Ofsted following an 'Inadequate' judgement

#### **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) 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 Eleanor Brazil.
- 2.5 The Commissioner submitted her report to the Secretary of State on 2 December 2019.
- 2.6 The report set out recommendation for the Council to focus on specific areas, which included wider Council leadership and front-line service delivery.
- 2.7 The Commissioner also recommended that the Council be directed to work with a leadership improvement partner, Bracknell Forest, and to secure support through the Partners in Practice programme to support the required improvements.
- 2.8 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.
- 2.9 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, the Commissioner will re-consider whether services would be better delivered outside of the Council's control.

### **3. Improvement Activity**

- 3.1 Prior to, and since the publication of the ILACS there has been a broad range of work carried out and/or being implemented to support our improvement journey.
- 3.2 An Improvement Board was set up in October 2019, comprising Council Leader and the Lead Member for Children's Services, local authority officers including the Chief Executive, and key partner agency representatives. The board meets monthly and is independently chaired by Rory Paterson, a former Director of Children's Services for Thurrock. The board is attended by Eleanor Brazil Children's Commissioner, Lauren Dobson, DfE Case Officer and Alison Michalska, LGA Principal Children's Advisor and membership includes key partner agencies as well as staff representatives. The Board oversees the progress on the Improvement Plan and provides challenge and support.
- 3.3 In September 2019, as part of our immediate response to the Ofsted inspection an additional team of social workers were recruited for the

assessment service. During October 2019, an experienced interim Assistant Director was recruited, who has significant experience of working with LA Children's Services subject to DfE Intervention

- 3.4 Further substantial additional resources were agreed on a recurrent basis by the Council in February 2020 to support the delivery of the improvement plan. This included:
- Significant additional funding for a realigned service model, which will guarantee capacity across the service to reduce caseloads to a manageable level in line with industry average, and for the creation of specialist teams to work with children subject to child in need and child protection plans, children in care, and adolescents. This measure will support the improvements in the quality of practice, which is one of the 5 central strands of our improvement programme.
  - An enhanced business support model, to provide increased administrative support to social workers, enabling them to concentrate on social work.
  - Auditor capacity to review open cases and provide reassurance that children are safe, and a plan is in place to support positive change.
  - Dedicated recruitment programme of permanent social workers, including an international recruitment programme.
- 3.5 The Quality Assurance Framework has been reviewed and updated. It provides for a range of quality assurance activity to assess the quality of our social work practice and its impact on children which includes:
- Regular programme of case audit, carried out by all managers, and moderated by senior leaders to provide a line of sight.
  - A programme of 6 weekly safeguarding visits undertaken by the Director, Assistant Director and Lead Member.
  - Weekly performance clinics across all service areas, chaired by the Assistant Director, which review performance indicators and consider other qualitative measures which are impacting on practice improvement.
  - Themed and focused audits in response to identified practice concerns.
  - Regular workshop activity with both practitioners and auditors to address any practice issues identified in the audit findings, and build their skill, knowledge and capability.
- 3.6 Elected members are participating in a programme of training and development to support them to fully exercise their roles and responsibilities and provide challenge and scrutiny. The training programme is ongoing and officers are working to adapt for delivery on line during the Covid-19 restrictions.
- 3.7 Essex County Council is working with Medway as a Partner in Practice. Senior staff from this 'outstanding' LA have undertaken diagnostic exercises in the Early Help service, the front door and the assessment service, and a set of recommendations for improvement have been agreed and are being implemented, with ongoing support from Essex. This work will support effective step up and down between early help and statutory children's services. Essex

will also be our Improvement Partner for the fostering service and the Children with Disability service, and this work started in April 2020, funded by the DfE.

- 3.8 In accordance with the recommendation of the Children's Commissioner in her report to the Secretary of State a "Leadership Improvement Partner", Bracknell Forest were appointed by the DfE to undertake this role, and formally began to work with us at the beginning of February. The terms of reference for their engagement were defined in the statutory direction from the Secretary of State published in January, and will focus on improvement in the area of systemic and strategic leadership, with a particular focus on our working with partners including the police, health and education leaders. The priorities in these areas have been agreed with the Children's Commissioner and will be the focus of her mid-term review, which has now been delayed due to priority being given to managing the Covid 19 response.
- 3.9 The Regional Adoption Agency will be an entity in its own right underpinned by a partnership agreement setting out how the three local authorities will jointly exercise adoption service functions. The Cabinet agreed the Business Case for the RAA at its meeting on 14 January 2020. The partnership agreement is currently being formulated and will be reported to Cabinet members with a clear summary of legal implications for consideration and the decisions required to implement the partnership.
- 3.10 In February 2020, the realignment of the service to achieve dedicated Children in Need/Child Protection and Children in Care services (involving the movement of circa 1,400 children's cases and 150 staff) was completed. This ensured that teams have a clear functional focus on work with specific groups of children, rather than the extended case mix which existed under the previous team structure which Ofsted and the Commissioner felt were weaknesses. New functions within the services include an Adolescent Service and 16 plus Leaving Care Team. A consultant was commissioned to support adolescent service development and agreement was secured to commission an additional 'Edge of Care' service, which became operational at the start of April.
- 3.11 A permanent Assistant Director has been recruited and will start on 11 May 2020. The appointment of all Heads of Service has resulted in a permanent management team being in place.
- 3.12 Signs of Safety has been agreed as the Practice Model and programme of training and development was procured and launched on 13 February 2020. This will continue using virtual, online training during the Covid-19 restrictions.
- 3.13 An app based tool, Mind of My Own, has been procured to promote improved engagement directly with children and young people who use our services. Additional funding for this over a three year period has been committed, which includes a training programme for social workers on more effective use of this important communication tool with children and young people. 3.14. The current Improvement Plan will be refreshed and updated to reflect the progress made

and the priorities for moving the service forward over the next twelve months. The Commissioner and Chair of the Improvement Board have agreed that this updated plan will be shared with the Improvement board in June.

- 3.14 The Progress Report paper to the Improvement Board in April 2020, requesting agreement to refresh and update the Improvement Plan is attached to this Cabinet report at Appendix 1. The Board agreed that proposal.

#### **4. Intervention**

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 The first quarterly monitoring visits by a team of Ofsted inspectors, was due to take place on 18 and 19 March 2020 but was halted at short notice due to the Covid-19 restrictions. It is not yet known whether the subsequent visits, scheduled for 10 and 11 June 2020 and 6 and 7 October 2020 will take place as planned. The report of the first monitoring visit will be shared with the Council but not be made public; reports of subsequent visits will be in the public arena.

#### **5. Impact of Covid-19 restrictions**

- 5.1 Steps have been taken to manage the identified risks arising as a result of the Covid-19 Pandemic, and actions agreed in order to keep children and our staff as safe as possible.
- 5.2 A Risk Assessment has been completed for every child which identifies whether the level of risk requires face to face contact or whether it can be managed through other means of contact including phone or video call.
- 5.3 In accordance with government guidelines staff are working from home wherever possible and maintaining contact with colleagues, managers and partners using technology.
- 5.4 Regular contact is being maintained with other partners including schools and health colleagues to ensure all known risks to children are shared and contact with families is managed in an efficient way.

## 6. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
<p>Actions are not implemented in a timely manner</p>	<p>If the actions within the Improvement Plan are not implemented in a timely manner then Medway's vulnerable children &amp; young people may remain at risk or living in situations of harm.</p> <p>This is an enhanced risk due to the Covid restrictions which mean that purposeful direct work with families is not possible due to limited face to face contact with them.</p>	<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> <p>Clear Covid Operating Procedures which set out arrangements for seeing and maintaining contact with children, and regularly reviewing the level of risk</p>	<p>B2</p>
<p>Resource is not in place to deliver rapid improvement</p>	<p>The authority cannot evidence it is sufficiently strong to maintain the necessary long-term sustainable improvement to Children's Social Care.</p>	<p>The Local Authority and its partners will commit to support the improvement journey.</p>	<p>C3</p>

<p>The Council loses control of Children's Social Care Services</p>	<p>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>	<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, will work positively with the Leadership Improvement Partner and Commissioner, and will hold the DCS and their leadership team to account for the quality of practice and the challenges in the local area.</p>	
<p><i>cont'd</i></p>		<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 supportive 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>	<p>C3</p>

Recruitment & retention	Challenges relating to recruitment & retention of Social Workers increase due to the Ofsted judgement, and to the current Covid pandemic.	<p>An engagement forum has been introduced, and continues virtually under current arrangements to support staff and ensure they recognise they are valued and their views are welcomed.</p> <p>HR continues to actively pursue the recruitment strategy during this time and offer online interviews.</p>	C3
Financial Implications	<p>Improving Children's Services will bring with it financial implications. This will create additional budget pressures for the authority.</p> <p>The additional obligations to maintain a service during the Covid pandemic will also have financial implications.</p>	<p>Identify appropriately skills to ensure effective budget oversight and management and identify all opportunities for efficiency in service delivery.</p> <p>Ensure an accurate record is maintained of all expenditure directly relating to Covid pressures.</p>	B2
Caseloads	Whilst additional resource has been introduced to reduce caseloads, there is a risk that the pressure of the Covid restrictions will create additional stress in families and lead to an increase in the number of referrals, which will require further Social Work resource	Ensure engagement with partners and community support resources is increased to support provision of services to children and families and reassure all that safeguarding children is a priority for Medway	B2



## **7. Implications for Looked After Children**

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

## **8. Financial implications**

- 8.1 Improving Children's Services has created additional budget pressures and investment over and above the identified 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.
- 8.2 Improvement activity requiring additional investment was identified in the Improvement Action plan and through the 2020-2021 budget setting process £7.6m of additional funding has been made available to the service in the 2020-2021 budget, to substantially increase the staffing establishment for Children's Social Care (including the budgets which form part of Children's Social Care but reside within Children's divisions) as well as the non-staffing budgets, such as budgets that relate to financial support for care leavers as an example.
- 8.3 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 including working closely with corporate finance colleagues to ensure accurate and robust forecasting.

## **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. Recommendation**

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

## **11. Suggested reasons for decision**

- 11.1 To formally notify the Cabinet of the progress made in relation to improving Children's Social care services.

11.2 To ensure Cabinet are aware of the feedback from and the ongoing involvement of the Children's Services Commissioner and the Statutory Direction from the Secretary of State.

**Lead officers contact**

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**Appendices**

Appendix 1 – Progress report to Improvement Board, April 2020.

**Background papers**

None