

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

2 JUNE 2020

OFSTED UPDATE REPORT - CHILDREN'S SERVICES IN MEDWAY

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Summary

This report provides the Overview and Scrutiny Committee 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 first report to the Secretary of State on 2 December 2019.
- 2.6 The report set out recommendations 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.
- 2.10 Eleanor Brazil's subsequent report to the Minister has been delayed until July 2020 due to Covid-19, but she submitted a progress report at the end of April. This report recognised that the Council has succeeded in making progress during the past few months despite the considerable challenge of responding to the Covid-19 crises. The commissioner comments that the operating procedures for staff are comprehensive and detailed, and staff have adapted to new and innovative ways of keeping in contact with families. There have been a number of very positive changes at political and senior level, including the sizeable investment of over £7m in children's services, and speeding up decision making to enable much needed service changes to happen more quickly. The Improvement plan now needs to be updated and refreshed to address longer term sustainable change. The Commissioner acknowledges that there remain real and significant challenges, including the need to plan for service delivery post Covid, but that there is a collective ambition to address those.

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 the Leader of the Council 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.
 - A specialist adolescent service and a commissioned Edge of Care service to work with young people subject to exploitation, risk outside the home and who are at risk of coming into care.
 - 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 are 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 in the form of regular workshops for staff and managers. This work will support effective step up and down between early help and statutory children's services, and improved quality of assessments.

3.8 Essex are now confirmed as our Improvement Partner for the fostering service and the 0-25 Disability service, and this work started in April 2020, funded by the DfE.

The focus of the Fostering Service work will be:

- Structure
- Strategic plan
- Recruitment
- Training and support for carers to care for children with complex needs

The focus of the work with the 0-25 disability service will be:

- Readiness of the service to extend their scope of responsibility to include safeguarding and court work
- Location within the structure
- Managing relationships with children's services, education, adult services and specialist services

3.9 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 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. Unfortunately, there have been unavoidable delays in progressing the Bracknell Forest work but the Commissioner and Chair of the Improvement Board, Rory Patterson, have agreed with the DCS to undertake some of the leadership improvement including development work with Corporate Management Team, Members and partners on developing their ambitions for children in Medway.

3.10 The Regional Adoption Agency (RAA) 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.

- 3.11 In February 2020, the realignment of the service to achieve dedicated Children in Need/Child Protection and Children in Care services 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.
- 3.12 A permanent Assistant Director, Dr Lee-Anne Farach, has been recruited and took up post on 11 May 2020. The appointment of all Heads of Service has resulted in a permanent management team being in place.
- 3.13 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. A detailed implementation plan is being developed.
- 3.14 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.
- 3.15 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.
- 3.16 The Progress Report paper to the Improvement Board in April 2020, requesting agreement to refresh and update the Improvement Plan is attached to this report at Appendix 1. The Board agreed that proposal.

4. Performance Information

- 4.1 Performance reports are available to managers on a daily and weekly basis and a detailed monthly Performance Dashboard is produced and shared with managers, the Director and Lead Member. This includes service commentary against all Key Performance Indicators.
- 4.2 The Assistant Director holds weekly performance clinics to address performance by each service area in turn. This provides opportunity to understand the current context of the work, the pressures of caseloads, the overall performance of each team and to scrutinise child level data.

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, was due to take place on 18 and 19 March 2020 but was halted at short notice due to the Covid-19 restrictions. The subsequent visit scheduled for 10 and 11 June 2020 has also been postponed. It is not yet known when any Monitoring Visits will take place.

6. Impact of Covid-19 restrictions

- 6.1 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.
- 6.2 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.
- 6.3 In accordance with government guidelines staff are working from home wherever possible and maintaining contact with colleagues, managers and partners using technology.
- 6.4 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.

7. 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 & 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>
<p>Recruitment & retention</p>	<p>Challenges relating to recruitment & retention of Social Workers increase due to the Ofsted judgement, and to the current Covid pandemic.</p>	<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>	<p>C3</p>

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	<p>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</p>	<p>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</p>	B2

8. Implications for Looked After Children

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

9. Financial implications

- 9.1 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.
- 9.2 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.

9.3 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.

10. Legal implications

10.1 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.

11. Recommendation

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

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Appendices

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

Background Papers

None