

# **DIRECTION UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996 TO SANDWELL METROPOLITAN BOROUGH COUNCIL**

## **WHEREAS**

1. The Sandwell Metropolitan Borough Council (“the Council”) is the children’s services authority for its area;
2. on 13<sup>th</sup> January 2010 Ofsted reported that the Council’s performance of its functions with respect to safeguarding and looked after children was inadequate;
3. in March 2010 the Secretary of State for Education (“the Secretary of State”) issued an improvement notice to the Council for the purpose of securing adequate performance by the Council of those functions;
4. on 9<sup>th</sup> April 2013 Ofsted reported that the Council’s performance of its functions with respect to the protection of children and young people was inadequate;
5. on 2<sup>nd</sup> August 2013 Ofsted reported that the Council’s performance of its functions with respect to looked after children was inadequate;
6. in October 2013 the Secretary of State issued a statutory direction to the Council for the purpose of securing adequate performance by the Council of its functions;
7. in April 2014 the Secretary of State’s officials reviewed the Council’s performance, progress on the Ofsted Areas for Improvement and their improvement plan (“the Improvement Plan of April 2014”), which set out the steps to be taken by the Council to perform to an adequate standard children’s social services functions.
8. the Secretary of State is 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 is applied by section 50 of the Children Act 2004 (“children’s social services functions”), namely:
  - a. social services functions as defined in the Local Authority Social Services Act 1970, so far as those function relate to children;
  - b. the functions conferred on the local authority under sections 23C to 24D of the Children Act 1989 (so far as not failing within paragraph (a) above);and
  - c. the functions conferred on the authority under section 10,12,12C,12D and 17A of the Children Act 2004; and
9. the Secretary of State considers it expedient in accordance with section 497A(4B) of the Education Act 1996 to direct the Council, as set out below, in order to secure that those functions are performed to an adequate standard.

## **NOW THEREFORE**

10. Pursuant to section 497A(4B) of the Education Act 1996, the Secretary of State directs the Council to:
  - a) execute the improvement actions set out in the improvement plan, including implementing Ofsted recommendations where further improvement is required within 6 months of the date on which this direction is signed;

- b) continue to engage Professor Ray Jones (Professor of Social Work, Kingston University) as an independent child protection expert to act as a children's social services advisor to the Council and to chair the Performance Accountability Board established pursuant to the October 2013 direction;
- c) facilitate Professor Jones to spend sufficient time visiting staff, attending Sandwell Safeguarding Children Board, meeting Council officers, members, leaders and partners, in order to enable him to make an independent assessment of the Council's progress;
- d) maintain and support the Performance Accountability Board to :
  - i) meet at least once in every six weeks;
  - ii) oversee and drive improvements to the Council's performance of its children's social services functions: and
  - iii) to hold the Council to account for any failure to deliver the required improvements.
- e) ensure that Professor Jones provides reports on the Council's performance to the Secretary of State at three and six months from the date on which this direction is signed, such reports to include an assessment of the effectiveness of the Sandwell Safeguarding Children Board;
- f) ensure that the chair of the Sandwell Safeguarding Children Board reports to the Performance Accountability Board, to enable Professor Jones to include this in his 3 month report under paragraph 9(e), on:
  - i) the actions taken to improve the Sandwell Safeguarding Children Board's effectiveness; and
  - ii) what further actions (if any) are required in order that the Sandwell Safeguarding Children Board fulfils its statutory objectives and functions;
- g) cooperate and work with the Secretary of State's officials to commission an independent review and report on:
  - i) the quality of the Council's children social care case work; and
  - ii) the application of the Council's Children's Services quality assurance framework with respect to Sandwell Children's Social Care.
- h) the commissioned report to be provided at three months from the date on which this direction is signed.

Signed on behalf of the Secretary of State



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Dated the 22 day of July 2014