

**STATUTORY DIRECTION TO WORCESTERSHIRE COUNTY 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 Worcestershire County Council ("the Council") that following earlier 'inadequate' judgements, performance in respect of services for children who need help and protection has remained 'inadequate' as detailed in Ofsted's inspection report of 24 January 2017 ("the 2017 Ofsted report").
2. The Council's failure led the Secretary of State to issue a statutory direction on 8 March 2017 ("the first direction"), requiring the Council to take a number of steps to improve the quality of services, including to work with Trevor Doughty, as the appointed Commissioner of Children's Services in Worcestershire.
3. The Secretary of State has carefully considered:
  - a. The 2017 Ofsted report, which found that children's services are 'inadequate'. The sub-judgements for children who need help and protection, children looked after and achieving permanence, and leadership, management and governance were all rated as 'inadequate';
  - b. The Children's Services Commissioner's report, of 9 June 2017 ("the Commissioner's report"), which highlighted a lack of evidence to date that the improvement plan was delivering genuine benefits for children, young people and their families beyond process and structural change, and that the Council should develop an alternative model of delivery for children's services; and
  - c. Ofsted's letter of 21 June 2017 to the Council, recording the findings of its monitoring visit of 23-24 May 2017.
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 has re-appointed Trevor Doughty as Commissioner for Children's Services in Worcestershire ("the Children's Services Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.
6. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with her 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:

7. Pursuant to her 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 Secretary of State 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 the Secretary of State or the Children's Services Commissioner may require;
  - b. To co-operate with the Children's Services Commissioner, including on request allowing the Commissioner 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 him to be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference;
  - c. To provide the Children's Services Commissioner with such amenities, services and administrative support as he may reasonably require from time to time for the carrying out of his responsibilities in accordance with the Terms of Reference, including:
    - i. providing officers' time or support;
    - ii. providing office space, meeting rooms or computer facilities;
  - d. To develop and draft, in consultation and agreement with the Children's Services Commissioner:
    - i. an options analysis for an alternative delivery model, with an outline recommended model, by no later than 31 December 2017.
    - ii. a full business case for the proposed alternative delivery model by March 2018, and to provide regular reports on its progress, the first of which by no later than 30 November 2017; and
    - iii. an updated long-term improvement plan to address the findings of the Commissioner's report, and to include the proposed arrangements for monitoring progress and reviewing the improvement plan as appropriate;
  - e. To co-operate with the Secretary of State and her advisers, including by:
    - i. Attending and participating in reviews of progress on dates to be notified to the Council;
    - ii. Preparing and making available to the Secretary of State's advisers, when requested, up to date improvement plans and assessments of progress evidenced by performance data;
    - iii. Reporting to the Secretary of State on the nature and rate of improvement of children's services when instructed to do so.

8. In consequence of this direction, the Secretary of State for Education revokes the first direction.
9. 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 cursive script, appearing to read 'S Lunn', written in black ink.

SUZANNE LUNN

A Senior Civil Servant in the Department for Education  
Dated this 19th day of September 2017

## **Annex**

### **Non-Executive Commissioner for Children's Services -**

#### **Worcestershire County Council**

#### **Terms of Reference – September 2017**

Given the systemic and persistent failures in Worcestershire, and the need to increase the pace of change, the Commissioner has been re-appointed to work with Worcestershire County Council to undertake an assessment of options of the future delivery model for services in Worcestershire, overseeing its subsequent implementation, and to provide ongoing direction and assurance of service improvements ahead of transition.

Specifically, the Commissioner shall:

1. Lead and manage, on behalf of DfE, discussions with the council's leadership and partners on an analysis of options for new arrangements to secure high quality services, and report on the Council's recommended model to the Minister of State for Children by 31 December 2017;
2. Provide advice to shape the Council's strategic vision for the transformed service and its scope of delivery;
3. Work with the Council in their establishment of a full business case and implementation plan for the proposed alternative delivery model, by 31 March 2018;
4. Provide ongoing assurance and oversight to the implementation of the agreed new model, and the transition of services;
5. Advise on any senior appointments to the body and lead or participate in recruitment assessment processes as required;
6. Provide advice and direction to the Council and its improvement partner in the development and agreement of long-term improvement plans to address the findings of the Commissioner report of 9 June 2017; ongoing monitoring and assurance of progress against implementation of the plan;
7. Support and challenge senior members, corporate senior management and senior partners to work together to create the culture and leadership necessary to bring about and sustain improvements in children's services;
8. Produce a high level plan by 31 December 2017, detailing anticipated approach / scheduling of support and challenge input throughout the

establishment and implementation of an alternative delivery model, and ongoing service improvements;

9. Lead, on behalf of the DfE, a formal review of the Council's progress towards improvement within six months of appointment and thereafter on a six monthly basis; and making a recommendation to the DfE on whether progress has been sufficient;
10. Deliver six-weekly evidence based highlight reports on the authority's improvement progress to the DfE Contract Manager; and
11. Deliver quarterly written updates on the Council's progress to the Minister for Children and Families, and more frequently if the pace of progress is not sufficient or if the Minister requires it.