

Statutory Direction to Bradford 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 Bradford Council ("the Council") that performance of children's social care services is inadequate as detailed in Ofsted's report of its inspection carried out between 17 September 2018 and 28 September 2018 published on 29 October 2018 ("The 2018 Ofsted report").
2. The Secretary of State has now carefully considered:
 - a. Serious concerns highlighted by Ofsted following the inspection of two council-run children's homes in Bradford, where poor practice had been observed, resulting in Ofsted's decision to suspend one home and rate the other 'inadequate'. The issues raise concerns about management oversight and care planning in the Council.
 - b. Ofsted's report published 4 June 2021 in respect of its monitoring visit on 28 April 2021. The monitoring visit noted that although there has been significant investment and service improvement planning, due to the breadth and depth of inadequacy identified in 2018, this has not led to sufficient positive change for some children. This builds on four previous monitoring visits, which all reported on the slow pace of change in improving the quality of core social work practice.
3. The Secretary of State is therefore 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 ("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.
4. The Secretary of State has appointed Leeds City Council (Stephen Walker) as Commissioner for Children's Services in Bradford ("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.
5. 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:

6. 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 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 to:
 - i. any premises of the Council;
 - ii. any document of, or relating to, the Council; and
 - iii. 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; and
 - ii. providing office space, meeting rooms or computer facilities;
- d. To co-operate with the Children's Services Commissioner-led review to help determine whether the Council is capable, and has capacity to, continue to deliver children's social care.

7. 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



Carolan Goggin
A Senior Civil Servant in the Department for Education

Dated: 15 September 2021

ANNEX A

Non-Executive Commissioner for Children's Services

Bradford Council

Terms of Reference

In line with the serious concerns Ofsted has raised in relation to the safety, well-being and experiences of children in the care of Bradford Council, as well as the slow pace of improvement set out in the Monitoring Visit reports, the Department is considering whether children's social care services will need to be removed from Council control, for a period of time, in order to bring about sustainable improvement (and whether there are compelling reasons not to do so). The Children's Services Commissioner is therefore expected to take the following steps:

1. To issue any necessary instructions to the Council for the purpose of securing immediate improvement in the Council's delivery of children's social care functions; to identify ongoing improvement requirements; and to recommend any additional support required to deliver those improvements.
2. To bring together evidence to assess the Council's capacity and capability to improve itself in a reasonable time frame and recommend whether or not this evidence is sufficiently strong to suggest that long term sustainable improvement to children's social care functions can be achieved, should operational service control remain within the Council.
3. To advise on relevant alternative delivery and governance arrangements for children's social care functions, outside of the operational control of the Council, taking into account local circumstances and the views of the Council and key partners.
4. To report to the Parliamentary Under Secretary of State by 14 January 2022.