

**STATUTORY DIRECTION TO WEST SUSSEX COUNTY COUNCIL IN
RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF
THE EDUCATION ACT 1996**

WHEREAS:

1. The report of Ofsted's inspection of children's services delivered by West Sussex County Council ("the Council"), carried out between 25 February and 8 March 2019, found those services to be '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', as detailed in Ofsted's inspection report of 8 May 2019 ("the 2019 Ofsted report").
2. The Secretary of State for Education ("the Secretary of State") therefore issued a Statutory Direction on 4 June 2019 ("the first Direction"), subsequently revised and reissued on 17 December 2019 ("the second Direction") and again on 10 December 2020 ("the third Direction"), requiring the Council to take a number of steps to improve the quality of services, including to cooperate with a Children's Services Commissioner (John Coughlan CBE).
3. The Children's Services Commissioner further reported to the Secretary of State in January 2022, following a twelve-month review of progress, noting positive improvements in children's services delivery and recommending that the Council should retain delivery of children's services.
4. The Secretary of State has carefully considered:
 - a. The 2019 Ofsted report, which found that children's services are 'inadequate';
 - b. The Children's Services Commissioner's report of January 2022 ("the 2022 report") which concluded that significant improvements were being made against the Council's improvement plan and recommended that the Council retain delivery of children's services;
 - c. The Children's Services Commissioner's report of October 2020 ("the 2020 report") which concluded that significant improvements were being made, and that there were compelling reasons why a company to deliver children's services functions on behalf of the Council is no longer required and instead that the Council should retain control of its children's services for a period of twelve months, pending a review of improvement progress against the Council's improvement plan; and
 - d. the Children's Services Commissioner's first report, published October 2019 ("the 2019 report").

- e. Ofsted's letters of:
 - i. 4 December 2020 following a focussed visit on 20 October 2020;
 - ii. 23 June 2021 following a monitoring visit on 18 May 2021; and
 - iii. 12 October 2021 following a monitoring visit on 7 September 2021.

- 5. The Secretary of State has noted the improvements set out in the 2022 and 2020 reports. He also notes that the 2022 report states that the Council requires ongoing support. Additionally, the Secretary of State notes that performance in respect of children's social care services is 'inadequate' as detailed in the 2019 Ofsted report. Whilst the Secretary of State has noted the improvements made by the Council since the first Direction, the Secretary of State is 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.

- 6. 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:

- 7. 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 issued by the Department for Education on behalf of the Secretary of State in relation to the improvement of the Council's exercise of its children's social care functions;
 - b. To continue to work with, provide support to, and respond to support and challenge from local authority improvement partners, including those funded by the Department under the Sector Led Improvement Partners programme.

- c. To appoint and work with an independent Chair of the Council's Improvement Board, who shall report in writing to the Secretary of State at quarterly intervals on the progress being made in securing improvements to the discharge of children's social care functions, and provide any information which the Secretary of State requests, with the first such report to be provided by 01/6/2022.
8. In consequence of this Direction, the third Direction is revoked. 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 black ink, consisting of a stylized 'H' followed by a long, wavy line.

Dr Helen Brayley-Morris
A Senior Civil Servant in the Department for Education
Dated this day of 31 March 2022