

Commissioner's report on ways forward for children's services in Herefordshire

**Report to the Minister of State for
Children and Families by Children's
Commissioner, Eleanor Brazil**

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1. Executive Summary

Introduction

For at least the past ten years the quality of children's services has been at best requires improvement, or inadequate. Ofsted inspections and other reviews in this time have pointed to the same issues: poor decision making, lack of focus on the needs of children, drift and delay, lack of management oversight, high level of vacancies and turnover amongst staff and managers.

The demography of Herefordshire is important. This is primarily a rural county with six towns and many villages. The availability of public transport is limited and this impacts on the opportunities and options for children and their families. The relative distances to Herefordshire and within Herefordshire can also make it difficult to recruit new staff - something experienced by all agencies in the County. How we provide effective services in this context is an important consideration.

Context

Herefordshire has been very publicly criticised in recent years. In 2018 the High Court judge, Judge Keehan published his judgement relating to the inappropriate use of Section 20 for children in long term care in Herefordshire, and in March 2021 he published a highly critical judgement relating to very poor practice regarding a sibling group of four. More recently, in May 2022, the BBC broadcast a Panorama programme, which covered the very negative experience of five families who had been receiving social work intervention in Herefordshire.

The Local Authority has been in receipt of two Improvement Notices, issued by the Department for Education (DfE), the first from 2013-2015, and the second following the Judge Keehan 2021 judgement. An Improvement Advisor was appointed in April 2021 and an Improvement Board set up. In July 2022 following a full ILACS inspection, Ofsted judged the service as inadequate in all areas and inadequate overall. As a result of this, a Statutory Direction was issued, and I was appointed as Children's Commissioner, with responsibility to review the Council's capacity and capability to improve its children's services within a reasonable timeframe, and to report back to the Secretary of State for Education with recommendations by mid- December.

The current Council administration, which is a coalition of Independents for Herefordshire (the largest group) and the Green Party, has been in place since May 2019. Almost all the Cabinet are very recent and inexperienced councillors, elected in 2019, including the Leader. The Lead member who is from the Green Party, took up this role in 2021. The cabinet have publicly expressed their disappointment in what has happened with children's services and their wish to fix this. However, they lack confidence and experience in knowing how to do this. The Leader and lead member have recognised that they need advice and support and have welcomed support from the LGA, in the form of identifying mentors and additional advice. The Chair and vice-chair of the children's scrutiny committee have also accepted that the role of scrutiny needs strengthening and have also received training.

Key Factors

Members have struggled to get an appropriate balance between involvement in individual cases and their role in setting strategic policy and direction. Following the Panorama programme, the Council invited families with concerns about social work intervention to contact them. Since then, a number of longstanding complaints have been the subject of many public questions and briefings and taken up considerable time from the Chief Executive and the DCS. In addition, the issue of child-on-child abuse, actively pursued by one mother, has been the subject of reviews and many scrutiny meetings since 2016. These issues have had disproportionate attention from members. With my help they are now slowly being resolved.

The Chief Executive has been in post since May 2021 and has provided strong support to members, to the DCS and to listening to parents and fully investigating their concerns. He is determined that Herefordshire will improve services and has ensured that all his corporate team, most of whom have joined Herefordshire in the past 18 months, will help with this. Other strategic directors lead on key projects to deliver change in children's services, such as workforce and commissioning. Project management support has also been made available.

Following the Keehan judgement in April 2021, the DCS left, and the then new Chief Executive brought in an interim DCS. However, she left in September. The current DCS had joined Herefordshire in August 2021 as Improvement Director, and he became interim DCS and subsequently permanent DCS in November 2021. He inherited a group of senior and middle interim managers many of whom did not live near Herefordshire and worked mostly remotely. Collectively they did not address the serious issues of management grip, communication and improving morale. Two permanent Service Directors were recruited and started just before the inspection but one has recently left. The majority of Heads of Service, Service Managers and Team Managers are interim.

Herefordshire has been slow to return to face to face working following the Covid lockdowns. Many of the agency staff who were recruited during that period and subsequently, were employed on contracts which allowed them to work mainly from home, and the majority live a long way from the County. This has resulted in concerns from families, permanent colleagues and partner agencies about lack of availability and lack of understanding of Herefordshire. Child protection and many children in care reviews are still mainly being held remotely which makes it difficult for children and families.

Progress has been very slow with little impact on outcomes for children. The biggest issue is recruitment and retention, the number of agency staff and the turnover of social workers and managers. Herefordshire has always struggled with this but, since the Keehan judgement, the Council has seen significant numbers of longstanding and experienced staff leave. The current position of over 50% of front-line social workers being agency and the high number of children who have experienced four or more social workers in the past year is deeply worrying.

Actions taken

The Improvement Board (IB) was established in May last year to bring senior partners together to oversee Herefordshire's improvement journey and specifically the improvement plan. The plan itself and the measures that needed to be monitored have been subject to a lot of change, under the previous DCS's direction and following the appointment of the current DCS. This has made it difficult for baselines on key areas of performance to be available, which would have enabled the IB members to monitor progress and offer challenge and support against improvement priorities. The revised plan, completed in December, and infrastructure to support it, including the arrival of an experienced Improvement Director in October, is now more likely to deliver the changes needed.

The DfE Improvement Advisor chairs the IB. She has tried to influence improvements to key issues including recruitment, early help, the MASH/front door arrangements and staff engagement/participation but has found the service response to be too slow. The IB has raised concerns about progress in some key areas such as timeliness of initial Child Protection conferences, strategy meetings, audit outcomes, workforce issues and caseloads. In May, the IB was advised that services to children and young people in Herefordshire were likely to result in an inadequate rating should an Ofsted ILACS inspection be undertaken (based on a self-assessment) and this concurred with the Chair's view.

The Council have supported the service with additional funding of £11.4 million this year for improvement and in 2021, the DfE also agreed grant funding of £1.7m and support through the SLIP programme from another local authority. Much of this funding was used to fund diagnostic reviews and audits, and bringing in assessment teams of agency staff. The latter has resulted in reduced caseloads across the service, which is positive,

but has not yet led to improvements in quality. Too many cases are passed from the MASH to the assessment teams, with over 70% not resulting in any further support for families following assessment.

In November and December there were some early signs that reduced caseloads, better management oversight and increased supervision was resulting in some positive practice seen in recent auditing. It is hoped this trend will continue.

Opportunities

The ambitions for children and young people outlined in the County Plan 2020-2024 are not being realised due to a lack of a broader community infra-structure for children's services and effective engagement with the wider system within the Council and beyond.

There has been a gap in strategic planning across all areas of children's services and partnership working is very under-developed. The Children and Young people's partnership has just met for the first time in over a year, there has been no strategic Board overseeing SEND, the Safeguarding Partnership has been ineffective in addressing key concerns, and two LGA peer reviews of Corporate Parenting and of SEND pointed to a number of areas that were not being effectively responded to. The main partners in Police, Health and schools have not proactively been seen to or able to work with the Council to effect much needed change.

There is the potential to build on the Council's early help service, which has a permanent staff group and is judged to provide good support to families. The Council has successfully developed Talk Community, locally based support for adults, and is now working with the Improvement Advisor to see how this approach with early help and the involvement of the voluntary and community sector can be extended to provide local interventions for children and their families. Feedback from many families and staff suggests that the gap in local response results in too many being referred to social care and unnecessary statutory intervention.

Conclusion

The views from almost everyone I have spoken to including councillors, representatives from health, police, schools, the voluntary and community sector, foster carers, parents and staff are that the challenges facing children's services are longstanding and the steps taken to date have not addressed this. What needs to change is clear, but the lack of a sufficiently rigorous and systematic approach has meant that any improvements have been slow and have not created sufficient confidence that this will be as comprehensive as it needs to be, and sustained.

Despite the support of the corporate centre and the political administration, and some very recent signs of limited improvement, in my view, the Council does not currently have the capacity and capability to improve children's services in a reasonable timeframe. I have therefore considered the question of whether or not this evidence is sufficiently

strong to suggest that long-term sustainable improvement to children's social care can be achieved should operational service control continue to remain with the council, or if alternative delivery arrangements need to be put in place.

It takes time and resource to establish alternative delivery arrangements and there is a real risk that this could be a major distraction from the urgent need to address matters now. I have therefore explored whether bringing in additional expertise, alongside the high level of over-sight and challenge from the Commissioner and the Improvement Advisor is a better option in the short term. I also hope that during this time, a formal partnership with another local authority can be secured which will result in the long-term sustainable improvement that is needed.

I believe this to be the best immediate option, and consider that the authority should be given a period of 6 months to demonstrate that it can effect real change with these arrangements in place. In my recommendations at the end of this report, I have outlined the areas where I will expect to see evidence of significant improvement by the end of this period. However, if this does not achieve the level of progress needed in both social care and SEND, then consideration will need to be given to an alternative delivery model.

2. About Herefordshire

Herefordshire is one of England's most beautiful and rural Shire counties. The main city, Hereford is a medieval Cathedral city, with a population of around 60,000. There are five smaller market towns scattered around the county, and many smaller villages. In total the population is around 190,000 of which about 36,000 are under 18. The relative distances to Herefordshire and within Herefordshire can also make it difficult to recruit new staff - something experienced by all agencies in the County.

The Joint Strategic Needs Assessment (JSNA) notes that the lack of many public transport options mean that many children and their families struggle to access support and opportunities unless they are locally available. In 2021, a Children and Young People's Quality of Life Survey was carried out by the School Health Education Unit (SHEU) on behalf of the council. Around 4,900 children and young people aged 8 to 18 years from across the county took part in the survey. The survey is a useful source of information on a range of topics, including lifestyles and behaviour, physical and emotional health and wellbeing, feelings about belonging to school and home community, feeling safe, and things children and young people are worried about. A couple of examples are given below from the survey of 11–16-year-olds:

17% of pupils worried 'quite a lot' or 'a lot' about COVID-19/coronavirus.

16% worried about being safe on the roads and 28% worried about the physical or mental health of someone in their family.

Children's services have been poor at engaging children and young people and seeking their views – this survey would have been a great opportunity to build on.

3. Introduction

I was appointed by the Secretary of State for Education as part of a Statutory Direction to Herefordshire Council in relation to children's social care, published on 21st September 2022, to the role of Children's Services Commissioner. The Terms of Reference are outlined in the Direction as follows:

Herefordshire County Council's children's social care services have been found to be 'inadequate' across all of the key judgements in the recent Ofsted inspection report. There is a presumption in cases of systemic failure of this nature that children's social care services will 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.

In line with the recommendations set out in the Ofsted report of children's social care, published 21 September 2022, the Children's Services Commissioner for Herefordshire is expected to take the following steps.

1. To issue any necessary instructions to the local authority for the purpose of securing immediate improvement in the authority's delivery of children's social care.
2. To identify ongoing improvement requirements; and to recommend any additional support required to deliver those improvements. In light of the findings around leadership and management this should include consideration of the supporting functions within children's services, in particular SEND.
3. To bring together evidence to assess the council's capacity and capability to improve itself, in a reasonable timeframe, and recommend whether or not this evidence is sufficiently strong to suggest that long-term sustainable improvement to children's social care can be achieved should operational service control continue to remain with the council.
4. As appropriate, to advise on relevant alternative delivery and governance arrangements for children's social care, outside of the operational control of the local authority, taking account of local circumstances and the views of the council and key partners.
5. To report to the Minister of State for Children and Families by 12 December 2022.

4. Process of undertaking this review

I have read background papers, attended key meetings and fora and have met with many individuals including front line staff, managers, councillors from all parties, stakeholders, family members and partners. During this time, I have worked with the leadership group, both officer and political to identify what needs to change and how this might be achieved, including bringing in external support and expertise.

5. Background - Summary of Ofsted visits and inspections

As the detail in this report demonstrates, there is an abundance of information from reports and reviews on the issues that needed to be addressed. These include many recommendations on what needed to change. However, there is no evidence of a systematic and effective approach to acting on this and as a result similar concerns have remained over a very prolonged period.

The effectiveness and issues facing children's services over the past 10 years are well documented in many reports published by Ofsted during that period. These are the reports of the findings of the following:

September 2016	SEND inspection
June 2018	Children's services inspection
January 2019	Children's services focused visit
December 2019	Children's services focused visit
July 21	Children's services focused visit
July 2022	Children's services inspection

Overall, despite some signs of progress and improvements over the years, there are some consistent themes: poor quality of practice, lack of effective management oversight, and supervision, poor data and management information, high turnover of social workers and use of agency staff, drift and delay and lack of focus on children's experiences. By and large, Herefordshire has been judged inadequate or a 'poor' requires improvement during this period. Some improvement was noted in January 2019 from a very low base, but by December 2019 it is noted that this was not sustained.

The authority was subject to an improvement notice issued by the Department of Education (DfE), from 2013-2015, and again, from 2021.

In my discussions with a number of longstanding councillors from different political groups, several have expressed considerable frustration and disappointment in the failure of successive leadership teams to make significant and sustained improvement. The Self-Evaluation presentation to inspectors from Ofsted in July 2022 included the following summary of the Council's own analysis of its children's services:

- This is a service that has been in decline for at least a decade.
- There is little evidence that service leaders at the time and the council took effective and sustained action to address the issues identified in 2018 and to drive improvement. This was reflected in the Focused Visit reports 2019, 2020, and 2021.

6. Background - pre-2021

Very limited progress was evident in the years between 2012 to 2021, with only relatively brief periods when improvement was noted in some parts of the service. Improvements noted tended to be recent and subsequently not sustained. Most of the issues listed in the paragraph above remained concerns for most of this time, were not adequately addressed and sadly are still the case today. The key points from the Ofsted feedback of each visit are as follows:

2012 – Child Protection inspection – overall judgement inadequate

In 2012, Ofsted inspected the local authority arrangements for the protection of children. The overall effectiveness of the Council's child protection arrangements was judged to be 'inadequate'. The inspectors identified key failings in the child protection system, in particular in management oversight, decision making, performance management and quality assurance leading to some children being inadequately protected and other children not receiving timely provision of services in accordance with their needs.

Following the outcome of the inspection, in April 2013, the DfE issued an Improvement Notice, which remained in place until March 2015.

The Council was required to take action to:

- I. improve areas of weakness identified in the Ofsted inspection report and ensure child protection arrangements meet all legislative requirements; and
- II. put in place arrangements to sustain and build on the improvement secured.

2014 – Inspection of Children's Services – overall judgement requires improvement

Ofsted re-inspected in June 2014 and found some improvement. Services were judged to require improvement, with adoption judged to be good (as was fostering the previous year). Whilst there were no widespread or serious failures that left children being harmed or at risk of harm, progress to improve how children were safeguarded had been slow and many improvements were very recent. Too many of the areas for development from the inspection in 2012 continued to be areas that required improvement. Services for looked after children had not improved since they were judged to be good in 2012 and some of the work had got worse because many staff had left and the local authority had found it difficult to recruit experienced permanent social workers and managers.

The report also noted that, in 2013, children's services in Herefordshire experienced many difficulties, such as high numbers of referrals, high caseloads for social workers, many social workers and managers moving jobs and poor electronic recording systems. As a result, children and their families often received services that were not good enough. Staffing remained fragile and a major challenge to maintaining improvements in

the quality of work. More permanent social work and management staff had been recruited and many of the high number of agency staff who were being employed were on long term contracts. The use of agency social work staff was beginning to reduce from the September 2013 high of 50%.

Despite the relatively limited improvements noted, the Improvement Notice was lifted in 2015.

2016 – SEND Inspection

In September 2016, Herefordshire was subject to one of the early inspections under Ofsted's new framework for inspecting SEND. Although Herefordshire was not issued with priority areas for action and a requirement to submit an action plan, there were a number of significant areas for development, several of which focused on raising ambition and aspiration for children and young people with special educational needs.

2018 – Children's Services Inspection – overall judgement requires improvement

Herefordshire's children's services were inspected in June 2018 and whilst the overall judgement was 'requires improvement', as it was on the previous inspection in 2014, the impact of leaders on social work practice with children and families was judged inadequate. This is significant given the ongoing concerns about the quality of practice and the steps needed to address the same longstanding concerns.

The report states: ***“Leaders and managers have not secured an environment in which good-quality social work practice can flourish, and the majority of core practice requires improvement. Senior leaders acknowledge that insufficient progress has been made in key aspects of their service, and many weaknesses found during this inspection mirror many of those identified in 2014. The pace of planning and action to remedy some long-standing deficits has been too slow. This had led to drift and delay for children before, during and after care proceedings, and means that outcomes have not improved for children in a timely way. Since the last inspection in 2014, senior leaders have made some progress and have improved practice in some areas, for example in strengthening assessments for disabled children and in ensuring that information about children who go missing is shared effectively and is robustly analysed by partner agencies. The vast majority of children in care live in good placements, where their outcomes improve.*”**

Children identified as at risk of immediate harm receive prompt and responsive intervention, ensuring that they are safeguarded. When risks increase, and children are no longer able to live safely at home, the local authority is making increasingly good use of its legal powers to safeguard and protect children. Decisions about whether some children who experience neglect need to become looked after are not taken swiftly enough. The quality of management oversight and decision-making across the wider service is too variable.”

Following the inspection, the DfE offered support to Herefordshire to broker external advice and expertise to assist them in addressing the on-going weaknesses in practice. Unfortunately, this offer was not accepted by the then DCS.

January 2019 – Focussed Visit

In January 2019, Ofsted undertook a focussed visit to look at the arrangements for receiving referrals for children who may be in need or at risk of significant harm, children transferring to and from early help services, the effectiveness of child protection enquiries and the quality of assessments and interventions for children in need of help and protection. Whilst some progress was noted in the work of the MASH, management of referrals and quality of assessments, it was clear that this was very recent and not necessarily embedded across other service areas that were not looked at during this visit.

Despite the limitations of a two-day focussed visit, and the similarity in the issues requiring improvement to those that had consistently been a concern in Herefordshire since 2012, the view taken by the Council and the local media was optimistic. The Hereford Times in February 2019 reports that: the Lead member for children and families said: “The feedback from this latest Ofsted visit is positive and reflects the decisions and

actions that were taken both prior and subsequent to the visit by Ofsted in June 2018. The paper notes that:

- OFSTED inspectors have praised improvements in the county's children's services provision after a recent visit to [Herefordshire Council](#).
- On their latest visit, they found the Multi Agency Safeguarding Hub was more effective and stable and that there is more support for access to early help for families.
- And social workers have seen a reduction in caseloads which allows teams to focus on timeliness and quality.

December 2019 – Focussed visit

A further two day focussed visit took place in December 2019. Ofsted inspectors looked at the arrangements for children in need and children subject to a child protection plan. They found 'The local authority has made little progress in improving the quality of practice for children in need and those subject to a child protection plan since the last inspection.' There remained areas of concern identified at the last inspection in relation to children in need and child protection services that had not been resolved. Despite ongoing greater focus on children and investment by senior leaders, children in need and child protection social work services remain challenged by vacancies as well as turnover of staff and ongoing difficulties in attracting experienced staff.

Supervision of staff was inconsistent in quality and did not provide good enough guidance on cases or an overview of progress. While no child was seen to be left at significant risk and without intervention, child protection plans were not sufficiently focused on the links between parents' actions and the impact on the child, making it more difficult for parents to understand their responsibilities.

7. Impact of Covid pandemic and lockdown

The pandemic affected Herefordshire services in much the same way as in other authorities. Schools worked with the Council to ensure vulnerable children could still attend school and social workers continued to visit children most at risk. The impact of the pandemic is still being felt. Schools report more children presenting with higher levels of need, a rise in mental health and well-being issues and some very young children struggling to settle into school.

Herefordshire has been slower than many other local authorities to return to face-to-face working. Many of the agency staff who were recruited during the lockdown period and subsequently, were employed on contracts which allowed them to work mainly from home, and the majority live a long way from the County. This has resulted in concerns from families, permanent colleagues and partner agencies about lack of availability and lack of understanding of Herefordshire. The Council decided to close and dispose of the building where child protection conferences and other reviews were held as these were

not happening. The service is still struggling to find suitable alternative buildings to hold these. Consequently, conferences and many children in care reviews are still mainly being held remotely which makes it difficult for children and families to fully participate.

8. March 2021 onwards

Publication of Judge Keehan's judgement – April 2021

The publication of serious criticisms of Herefordshire's children's social work practice by a High Court Judge, Justice Keehan, in June 2021, had a major impact on the Council and how it was perceived by the local media and local residents.

This was not the first time that Judge Keehan had published his views about Herefordshire. In March 2018 he decided to publicly identify Herefordshire Council because he felt people have a legitimate interest in knowing what public bodies do and do not do, and he considered that the Council had made dreadful failures in the handling of children in its care. He criticised the Council in relation to the cases of two children who had been in the council's care for some years under Section 20 arrangements. In his view the Council had been too slow to ask family court judges to take control of cases and make long-term term decisions about children, and that it was inappropriate to use Section 20 as an alternative to initiating legal proceedings. He had asked the council for a statement detailing the circumstances of every child in its care in which it was identified that a further 14 children had been the subject of section 20 accommodation for a lengthy period of time and should have been the subject of legal planning meetings and care proceedings at a much earlier time.

The judge said the council's "failure to plan and take action" in both cases had been "extremely serious". He added that: "Nevertheless, it is important for me to recognise and acknowledge that the DCS and the new senior management team at this local authority have taken and will take steps to ensure that such dreadful failures in the care of and planning for children and young people in its care will not occur in the future."

Three years later in March 2021, a case management Hearing, relating to a sibling group (known as the YY case), concluded with an extremely damning judgement by the same judge, outlining significant failings in the Council's management of the case. Given the same Judge's previous very public and strong criticisms and his hope that he would not see similar failures in planning for children in care in the future, it is perhaps not surprising that he published this even more critical judgement.

The case concerned a sibling group of 4 who were removed from their mother and placed with local authority foster carers over 7 years previously. They were subject to Care Orders, and little active direct work was done with the children over the years. They had no or minimal contact with their birth mother and maternal grandmother. In 2019, one of the children tragically died in hospital following a very serious illness. Decisions made around that time by the Council were heavily criticised by the Judge. Subsequent

events, including the way the local authority dealt with the funeral and inquest followed by the local authority's decision to apply to discharge the Care Orders and support the carers to apply for Special Guardianship Orders, were all part of a picture of failure to appropriately plan and support these children.

Issuing of Improvement notice

The judgement resulted in extremely negative publicity about Herefordshire's children's service and exposed significant failings in the quality of practice. Following this, the DfE commissioned Essex, an outstanding Local Authority, to undertake an intensive two diagnostic to review practice in Herefordshire. This led to a second Improvement notice being issued and the appointment of an Improvement Advisor by the DfE. This was not an isolated case as is noted in the reasons given for issuing the Improvement Notice, as follows: 'significant concerns highlighted by the publication of Justice Keehan's High Court Judgement on Friday 16 April 2021, further cases of concern in the court system and inconsistent practice identified by Essex as Partners in Practice in April 2021; demonstrating a lack of pace and progress to improve children's services since the 2018 Ofsted inspection.'

The Improvement Notice required:

- a. The Council to ensure there is clear evidence of progression: the content of the improvement plan and a record of progress against it must be kept up to date;
- b. The council must ensure there is an improvement board established with an independent chair in place (to be set up and chaired by the DfE Improvement Adviser), that has full support from the Chief Executive and Council Leader, to oversee implementation of the improvement plan and report to the improvement board on progress against the objectives in the plan, to a timetable agreed with the Department. It can commission updates from partners in order to do this;
- c. Reports to the improvement board should include data, analysis and recommendations supported by evidence of the impact of improvements on the quality of practice and experience of children and families;
- d. The council should highlight those objectives which are slow to progress and highlight where contributions need to be strengthened; and
- e. The views of frontline staff and of children and young people will be taken into consideration in the development of practice and standards.

Impact on leadership and management

A number of longstanding senior managers either left the authority, or were asked to leave at this time. This included the DCS, Assistant Director (A.D.) children's social care and managers in the fostering and operational social work teams. A new Chief Executive had been appointed earlier in the year and he joined the authority in May. An interim

DCS was brought in and two interim A.D.s appointed, followed shortly by a third interim when the only other social care permanent A.D. (Safeguarding, Quality Assurance and Improvement) resigned due to ill-health.

9. April to September 2021

The new interim DCS commenced in post in March 2021, and her team of interim A.D.s had a number of issues to deal with that pre-dated their arrival, in relation to staffing and poor practice. The YY case was not an isolated example, as Ofsted found when they undertook a further focussed visit in July.

Focused visit Children's services focused visit - July 2021

This visit was to look at how the impact of Covid had been responded to and in particular, the local authority arrangements for children in need and children subject to a child protection plan. Whilst the Inspectors did not identify any children at risk, they did comment on significant issues relating to staffing and the quality of practice which had clearly been longstanding. They state:

"The key findings were that Herefordshire has made little progress in improving the quality of practice for children in need and those subject to child protection planning since inspection in June 2018 and the focused visit that reviewed the same area of practice in December 2019. A current absence of team managers has resulted in limited supervision for social workers. The report also comments on assessments and plans being poor and too focused on parental issues rather than on the needs of children. A high turnover of staff, reliance on agency staff and a number of vacancies are still in issue, exacerbated by the fact that almost half of social work staff are inexperienced and newly qualified resulting in practice ranging between poor and good in its quality. It is also of concern that team managers do not have sufficient capacity to consistently oversee staff due to vacancies and sickness at team manager level. Complexity and volume of social worker caseloads varies between teams and in some teams social workers find their caseload is unmanageable. However, the report also comments positively on the way in which social workers continue to visit families at home during Covid and that social workers have been well supported during this time."

There was a further court hearing for the YY case on 28th July 2021. Unfortunately, the interim leadership team failed to respond to the obvious need to ensure robust and professional management of this high profile case. Due to significant failings by the Council with regard to preparation and statements for that hearing, the Council was again severely criticised by Judge Keehan. The Chief Executive was required to respond in a statement by 4th August on how the Council was rectifying the issues. As part of his response the Chief Executive commissioned me to undertake an independent review of

events since the initial hearing in March leading up to the July hearing, to ensure understanding of what happened and identifying what needed to change. (At that time, I was not involved in Herefordshire).

I concluded that this case had once again been very badly dealt with, despite its high profile and this could, and should have been avoided. I made a number of recommendations, including, ensuring that senior managers in children's social care and legal services jointly take a much more proactive approach to managing historic cases. In addition, that the service ensures that their social workers are well trained with good management oversight to deliver high quality work with children in care, including case planning founded on the best interests of children.

10. July – September 21: reviews commissioned by the interim DCS undertaken by 2 former HMIs

Five reviews, funded by the DfE, were commissioned that looked at early help, Child Protection (CP) chairs and Independent Reviewing Officers (IROs), children with disabilities CWD), children's social care and fostering. The reviews took place over a number of days and included some auditing of cases as well as interviews with staff and reviewing documents. The judgement of the audits in all areas was that the majority of cases were inadequate or requiring improvement.

Some positives were noted:

- Ofsted reported positively on the Early Help (EH) service at the most recent inspection (Ofsted 2018). Further steps have been taken to strengthen the Early Help service. The Domestic Abuse (DA) HUB was created June 2020 and the EH HUB commenced September 2020. These arrangements have successfully diverted families away from the Multi-agency Safeguarding Hub (MASH) so Social Workers (SW) have more of the time that they need for their task.
- Ofsted reported positively on the CWD service at the most recent inspection (Ofsted 2018) and in the Focused Visit letter (December 2019). The CSC CWD population has remained relatively static with around 179 – 190 open cases in year. Many CWD and their families access service which is characterised by effective Social Worker (SW) and Family Support Worker (FSW) interventions so the majority of families get the support they need leading to improved outcomes for children.

There were many areas identified for development in each of the reports, including:

1. Accelerate plans for immediate action to increase the capacity of the EH Support Team provision to eliminate practice in the use of the waiting list so children, young people and families do not experience an inordinate delay for the service they need.

2. Increase the number of CP chairs to meet demand. Improve management grip on performance through reporting, improved data collection, and on practice through individual case management supervision. Establish independent audit.
3. Social Workers and Family Support Workers have high caseloads and commissioning arrangements for short breaks are ineffective. Some families with disabled children wait too long for their SW assessments, experience delay accessing FSW and short break provision or disruption to their existing agreed packages of short break support. There are examples of this happening in families that have been recently stepped down from a Child Protection Plan which is high risk.
4. The Local Authority sufficiency strategy has failed to deliver a sufficient number of foster placements to meet the placement demands of children over time. This is compounded by the commissioning arrangements which lack rigour to ensure providers deliver what they say they will and hold them to account when they don't so, more children are presenting in an emergency which is exacerbating the SW task to find a suitable placement.

Shortly after these reviews were completed, the interim DCS left Herefordshire. There was no systematic response addressing the areas identified and there has been limited improvement since.

11. Whistleblowing

An initial anonymous whistleblowing complaint in August 2021 sent to all Councillors was followed by two separate whistle blowing complaints from named individuals in children's social care. Having completed the review relating to the YY case, I was asked by the Chief Executive to undertake investigations into these complaints. The complaints raised were about the then interim senior leadership in children's services. Serious concerns were alleged about the impact of the leadership on morale, communication, and safety of children.

The context was difficult, given the very public criticism of the council following the YY judgement which had led to a number of senior managers either leaving or being suspended. The interim DCS and A.D.s were brought in after this happened and additional interim managers were appointed to cover other roles.

Interim managers have a responsibility to work with staff and support staff to improve and develop. This can be difficult when a service clearly requires improvement and change, to manage this in a way that helps staff feel confident that they can grow, develop and change with the service, rather than feeling blamed and undermined. The staff I spoke to understood the need for change and wanted to be part of that process. However, their concerns were primarily about how this was done, in ways that they perceived as lacking consultation, clear communication and transparency about what is happening and why.

Everybody I spoke to who was not part of the senior leadership talked about poor morale, poor communication, lack of transparency about decision-making and a fearfulness. I was told that a significant number of long-term and experienced social workers had left the authority or were thinking of doing so. Herefordshire has a history of difficulty in recruiting social workers and like many other local authorities, cannot afford to lose committed and experienced staff. There needed to be a far greater focus on supporting staff and developing frontline managers as part of this.

It is not unusual when a service has been judged to be inadequate and new managers brought in to make changes, for some staff to feel anxious and angry about what is happening. However, there was a level of disquiet which was worrying.

The interim DCS left during the course of my investigation. The current DCS took over and was aware of the concerns raised and the need to actively improve communication and morale, and to address the negative impact this was having on retention.

12. Panorama programme – May 2022

In May 2022, Herefordshire Children's Services were the subject of a BBC Panorama programme, entitled 'Protecting our children – A Balancing Act.' The programme was presented by the journalist Louise Tickle, who had also closely followed and reported on the YY case.

The programme included considerable detail about four cases, with some parents and children and ex-Herefordshire social workers interviewed. All the cases raised serious issues about poor planning and decision making, lack of consideration given to the views of children and drift and delay. The social workers interviewed talked about poor support, high caseloads and large numbers of social workers leaving the authority.

Following the YY court judgement, the Council set up 'CareConcern', a process for families with historic issues to be able to raise them and have them looked into. As I have described in the previous section, the service was already struggling with issues of morale, communication and turnover of staff and managers. In this context, the broadcasting of this programme had a further detrimental effect on confidence in the service. In addition, time and attention had to be directed towards responding to a range of individual complaints relating to past events and actions.

13. Ofsted Inspection – July 2022

The full ILACS inspection took place in July 2022. The report was published in September. The individual judgements in relation to the impact of leaders on social work practice with children and families, the experiences and progress of children who need help and protection, and the experiences and progress of children in care and care leavers were all inadequate, as was overall effectiveness. The detail of the report gives a very concerning picture of the level of poor practice in Herefordshire. There were some

positive comments about some good practice and staff but this was inconsistent and the exception. During the inspection a total of 52 cases were referred back to the authority due to concerns that children may have been at risk of significant harm.

The key findings were:

There are widespread and serious failures which leave children harmed or at risk of harm. Services for children needing help and protection are fragmented and chaotic. The lack of a stable and responsive workforce means that children do not receive the right support at the right time. Assessments across the service are poor. They fail to identify children's needs or effectively assess carers' abilities to provide safe and secure homes. Plans do not ensure children are safer or have their needs met, and for too many children the security of permanence is not achieved soon enough. Drift and delays are endemic, compounded by continuous staff turnover, weak guidance and a lack of management grip. Senior leaders were aware of many, but not all, of the inadequacies and the impact on children until this inspection.

The quality and impact of social work practice has significantly deteriorated since the last judgement inspection in June 2018. Insufficient scrutiny and focus by the council meant that deficits in practice were not realised until the highly publicised court judgement in April 2021. This was despite focused visits in January and December 2019 identifying recurring themes of poor practice. In July 2021, a focused visit noted further deterioration in the quality of services, resulting in priority action being required in a number of areas.

Minimal improvements have made little difference to children's experiences. This is amplified by a historical lack of stable and capable senior management, under-developed partnerships, and a limited ability to secure accurate data.

Despite recent developments, leaders do not sufficiently ensure that social workers are readily available and responsive to children and families who need their help. Skilled workers in the edge of care home team (ECHO) provide effective support to prevent family breakdown and provide help for carers. Capacity in this service is, however, limited and not all social workers understand the pathways to access the service.

The report was published in September 2022, at the same time as the government Direction appointing a Commissioner.

Following the inspection action was taken by the service led by the previous improvement director to review cases and improve planning and processes relating to a number of areas of concern highlighted by the Inspectors, including: a relatively high number of children (11 since January 2022 subject to Deprivation of Liberty orders), unregulated placements, the role of Independent Reviewing Officers and pre-birth cases.

14. Impact on families who are public about their experience of children's services and impact of those families on the Council

Managing 'legacy' cases is challenging given the numbers involved, the high profile following the Panorama programme, the historic poor decision-making and the frequent changes in social workers. The publicity following the recent inspection has further increased lack of confidence in the Council. A small number of parents continue to take opportunities to publicly raise their concerns at council meetings and through emails and complaints to the local M.P.s and Councillors.

While undertaking this review, I attended a public meeting held in October. This was an opportunity for about 15-20 families brought together by one of the mothers featured in the Panorama programme, who set up a group called A Common Bond, to present their stories to councillors (about 12 attended this meeting). She was and is supported by one Councillor in particular and the local M.P. We were told at the meeting that A Common Bond has over 300 families brought together to share their unhappiness with actions taken by children's services. Individuals had prepared statements which they presented. There were some common themes: unsympathetic social workers, lack of knowledge or response to children's special needs, children removed at short notice and wider family not considered. Several of those who presented their story had come to an extraordinary council meeting held a few weeks previously to debate children's services, and have continued to ask questions at subsequent Council meetings.

The DCS is reviewing all these cases, ensuring that those needing immediate attention are urgently responded to. However, it has taken too long to develop a systematic and rigorous response to the issues to provide re-assurance that the matters raised have been addressed as much as they can be, given that many relate to historic events. The Chief Executive has also recently commissioned an independent review of one of these cases.

The other issue that has taken up considerable time and resource is that of child-on-child abuse (previously known as peer-on-peer abuse) which has been a focus for some time, very strongly influenced by one mother's campaign to improve the way that this is dealt with in Herefordshire. Since then, the Council has commissioned a number of reviews, and the matter has been an agenda item at several scrutiny meetings. The Council has done more than could be expected to improve its response to similar allegations and it is clear to me that further discussion is disproportionate and unhelpful. There is adequate national and now local draft guidance in place to deal with these concerns, which should be dealt with under usual safeguarding procedures.

Complaints are managed by a small corporate team. The number of complaints over recent years has not changed significantly. However, there are several longstanding and historic complaints (including those raised by parents publicly as described above).

Many have been brought to councillors and /or the local M.P.s, as well as some that came to light through the Care Concern process, and these are now being reviewed by an independent investigator. Timescales for responses often get extended and probably more end up in stage 2 of the process as they have not been resolved earlier. Common themes relate to poor communication, changes in social workers and agreed plans not implemented. There is little evidence of a systematic approach to learning lessons from complaints and using those to improve practice.

15. Political and senior leadership

The current Council administration was elected in May 2019. The outcome of the election was the formation of a coalition of Councillors from the Independents for Herefordshire group (the largest group) and from the Green Party. The Council had been Conservative controlled for the previous twelve years.

The new administration was very inexperienced, with most of the Cabinet including the Leader becoming councillors for the first time. In their first few years they had a number of difficult issues to contend with including the departure of the previous Chief Executive, an outbreak of Avian flu, flooding, disputes over a potential by-pass and the Covid pandemic, in addition to the major challenges facing children's services. The current lead member is from the Green party, and she became the lead member in 2021. The Chair of children's scrutiny is from the Liberal Democrats group and the vice-chair is from the Independents for Herefordshire.

There is clearly expressed whole cabinet support for improvement. They have agreed additional funding of £11.4m this year to bring in additional capacity in the service. They have also recognised the need for assistance and have been welcoming of the Commissioner role. Generally, there is disappointment and sadness about what has happened in children's services, and an expressed view that children deserve better, but not a great sense of what needs to change and how they might drive that change.

The focus of many Councillors has been on cases. The involvement of members has become disproportionate and there needs to be a better balance between their interest in individual cases and their role in broader issues relating to children. This is difficult while they remain worried that cases are being poorly dealt with, and in the context of an administration with no previous experience of driving policy and strategy. The Leader and lead member have sought advice from a small number of Leaders and lead members in other authorities.

The Lead member is keen to understand her role better and be more effective in playing her part to improve children's services. It is important that, along with the Leader and other cabinet members, she uses her increasing knowledge to provide the leadership and direction that is needed.

The LGA has been involved in providing some support, mostly with the scrutiny committee. Following the sessions with the LGA, councillors did come to the meeting in October which looked at the Ofsted report with prepared questions which I am told was a positive improvement in how they addressed an issue. However, at the same committee meeting considerable time was spent on public questions which was a distraction and not well managed. It brought the focus back onto child-on-child abuse and re-iteration of accusations of lack of transparency and cover up and took the focus away from the main issues facing the service.

16. Strategic leadership - Aspiration and ambition for Children

There has been a gap in strategic planning across all areas of children's services and partnership working is very under-developed. The Children and Young people's partnership has just met for the first time in over a year, there has been no strategic Board overseeing SEND or strategic Education Board, the Safeguarding Partnership has been ineffective in addressing key concerns, and two LGA peer reviews of Corporate Parenting and of SEND pointed to a number of areas that were not being effectively responded to. The main partners in Police, Health and schools have not proactively been seen to or able to work with the Council to effect much needed change.

The Council published its plan, the County Plan 2022-2024, outlining its priorities for the next two years. In respect of children, the Leader's statement in the introduction states:

'We want all children and young people in this county to have a great start in life and be healthy, safe and inspired to be the best they can be. Our young people should be proud to grow up here in Herefordshire and we also want them to feel able to build their lives here. This requires us to deliver good learning facilities, great job opportunities and homes that young people can afford to buy or rent. We recognise that for some children and young people life can be particularly tough, and we are determined to address the inequalities which put these children and young people at a disadvantage.'

The plan includes a small number of success measures: • Improve the life chances of disadvantaged children in Herefordshire, meaning that they have a better chance of doing well at school, getting good jobs and secure housing (measured by the social mobility index), • Reduce the number of children living with poverty, tooth decay or obesity, • Reduce the number of children requiring formal social care interventions (measured by the number of children in need), • Increase the number of children that are assessed as 'ready for school'; for both children with and without free school meals.

The plan creates the basis for developing a more ambitious approach to securing better outcomes for children and young people but there is no clear way that this is being taken forward. The Children and Young People's partnership board did not meet for over a year, and has only recently met again. This could be the forum to making the above

aspiration a reality but this will require far greater leadership, drive and commitment than has been the case previously.

In past years the Council has disinvested in some key services including respite care for children, the youth service and an attendance service without properly considering the implications of the lack of these services. At recent engagement sessions, I heard front line staff express concerns about the lack of options and support for young people.

A year ago, the Council set up all age commissioning under the Corporate Director Community Well-being and Health and transferred children's commissioning roles into this service area. The current Corporate Director is bringing greater rigour and direction to improve what was a very poorly performing function. The focus currently is on developing a much needed sufficiency strategy for children in care and supporting the early help developments. This unit should now be in a better position to support strategic developments in children's services.

17. Corporate and external support

Unfortunately, the Council did not previously welcome support. In 2019 the previous Chief Executive and DCS declined the offer of support made at that time by the DfE.

The situation is very different now. The Chief Executive has been active and proactive in supporting the DCS and in identifying additional corporate capacity to support him and the service. He has established a fortnightly Corporate Leadership Team Assurance Board to focus on the improvement programme, immediate priorities, and performance. Corporate resources have been put in place to support the recruitment programme and staff development, performance framework and dashboard development, mosaic review and improvements and children's services finance. Members of the Corporate Leadership team are now leading transformation programmes and partnership groups (Corporate Director Community Wellbeing lead for Corporate Parenting and Director of Public Health Chair of Children and Young Peoples Partnership).

The Chief Executive is actively engaged in a number of key Herefordshire wide leadership groups, including the College Principles group, the Integrated Care System Board and the Public Sector Leaders group to influence support for children's services improvement. He has worked closely with the LGA and members to develop understanding of the issues in children's services, and to seek their support on finding solutions.

Prior to the inspection there was a lack of pace in seeking and using external support and expertise. More recently the LGA involvement has been welcomed, and has included support to members, undertaking corporate parenting and SEND diagnostics and follow up work on SEND. The newly agreed Improvement Plan outlines the key priorities. This, plus the recent appointment of an experienced Improvement Director will enable external support to be better targeted and co-ordinated to support the work to address those

priorities. Some initial work was agreed with Telford and Wrekin via the DfE funded SLIP programme, but this has not delivered improvements, predominantly due to poor and slow engagement by Herefordshire's named leads. Further meetings are planned to explore how they might contribute to Herefordshire's improvement journey.

Recently discussions have taken place with the senior leadership in Worcestershire, who as Herefordshire's nearest neighbours, have partners, namely health and police in common. They are happy to share good practice where this will be helpful. There are a number of priorities where this could be helpful, in particular on improvements to the front door, developing a Herefordshire multi-agency performance data set, supporting quality assurance activity and developing partners' engagement with the improvement activity.

18. Limited confidence in the service and its leadership

There is little confidence in children's services, probably exacerbated by inconsistent leadership and lack of continuity. Since 2012 there have been four Directors of Children's Services. Following the Keehan judgement in April 2021, the DCS left, and the then new Chief Executive brought in an interim DCS. However, she left in September after investigations into a number of staff whistleblowing concerns regarding a culture of bullying.

The current DCS had joined Herefordshire in August 2021 as Improvement Director, and he became interim DCS and subsequently permanent DCS in the November 2021. This is his first DCS role and he has found it challenging. He inherited a group of senior and middle interim managers many of whom did not live near Herefordshire and worked mostly remotely. Collectively they did not address the serious issues of management grip, communication and improving morale. The interim Service Directors (previously known as Assistant Directors) who started during 2021 did not demonstrate that they had a grip on what was needed, and were perceived as remote and unavailable. The contract of one of the interim Service Directors was ended, but unfortunately the other two were retained for a further 8-9 months and in my view, this did not help the service or morale improve.

It took too long to appoint permanent Service Directors, one for early help and social care, and the other covering quality assurance, safeguarding and partnerships. They started in June and July this year so were quickly involved in the Ofsted inspection and its aftermath. The longstanding Service Director for Education, Skills and Learning had to stand down from his role due to personal reasons and since September the role has been covered by the previous Head of School Improvement.

The leadership team is therefore fairly new and relatively inexperienced. The Service Director for Safeguarding, Quality Assurance and Improvement left the authority during November for personal reasons. A new Improvement Director who does bring considerable experience of improving inadequate services, started in October, replacing the previous one who does not seem to have had the impact that was needed. She has

been given responsibility for Quality Assurance and is now providing the drive and knowledge needed to develop this. The Improvement Advisor and myself are providing considerable support to the leadership team to help them demonstrate and deliver the robust and systematic leadership that the service needs.

There have been too many interim managers at all levels in children's social care and this is still the case. It creates difficulties in terms of continuity resulting in changes in approaches, but does bring much needed capacity. There are five Head of Service posts reporting to the Service Director, Safeguarding and Family Support, four of whom are interim. They are all relatively new to Herefordshire but do bring a lot of experience, energy and knowledge on what needs to change. This is encouraging, but they are all inheriting services that have seen a lot of change and staff who perceive that interims make changes, then leave. Recruitment is underway for permanent managers, and one of the Head of Service roles covering the MASH and assessment teams, has recently been appointed to.

19. Finance

As the table below shows, the base for children's services has increased substantially over the past 3 years but this does not seem to have made a significant difference to the quality of practice. Most of the additional funding has met the cost of increased number of placements for looked after children and the cost of many more agency workers (the detail on that is covered in the section on workforce).

Table 1: Children and Young People's outturn 2018/19 to 2021/22

Financial Year	Budget £000	Expenditure £000	Variance £000	% Change in budget	% Change in expenditure	No. LAC
2018/19	25,646	27,591	1,945			409
2019/20	33,533	35,346	1,813	31%	28%	425
2020/21	34,373	38,790	4,417	3%	10%	433
2021/22	42,367	46,905	4,538	23%	21%	468

In addition to the base budget, the service has benefitted from specific one-off Improvement funding from both the Council and the DfE. The Council made an initial £5.2m investment to support improvements in children's services in April 2021. Further areas of work were identified as priority areas as part of Phase one of the Improvement

Plan and additional funding beyond the investment was required to successfully deliver these priorities.

In July 2021 the Council was successful in obtaining grant funding from the DfE (£214K) to provide additional expertise and capacity to support practice improvement, including former HMI Inspectors to undertake the diagnostic reviews mentioned in section 10 and core skills training for managers and practitioners.

In October 2021 the Council were encouraged to apply for further funding from the DfE and were successful in securing further funding of £1.7 million to support the following areas: training on leadership skills and Signs of Safety model, support to developing the prevention and early strategy (covered in the section on early help, additional auditing capacity, and assessment and children in need agency social work teams.

The Council agreed a total of £11.5m to fund improvement to be released in two tranches. The cabinet meeting in November agreed to the release of the second tranche. The additional funding has certainly helped with a better understanding of the practice issues that needed to be addressed as well as increasing the number of social workers, thus enabling caseloads to be reduced to a reasonable level. Beyond that, it is difficult to determine how this investment has contributed to improvement.

Going forward, it is essential that improvement funding and support secured from other local authorities is linked to the delivery of the Improvement Plan and outcomes tracked.

20. The view of the Improvement Advisor

Gladys Rhodes White, an experienced ex DCS, was appointed in April 2021, as the DfE Improvement Advisor, when the Improvement Notice was issued. She has found progress in Herefordshire to be slow and frustrating, with a tendency for things to be started and not completed. In April 2022, after her first year of involvement, she wrote in her report to the DfE :

'It is a risk that Ofsted may conduct a full ILAC's inspection in the next few months. Work continues to prepare for this and to ensure there is an accurate self-assessment. At this stage it is highly likely that the outcome for all areas will be inadequate. The instability of the workforce will make it difficult to evidence that leadership and governance are adequately gripping this volatile situation, even though there are plans in place to invest in more workers. There hasn't been a period of stability yet in securing manageable caseloads and a stable workforce, despite Herefordshire's best efforts.'

She noted a small number of positives including : Positive working relationship with CE and DCS, officer and member engagement and commitment, significant financial investment (£11.49m), DfE Grant investment and delivery of associated project plans, DfE and LGA support – scrutiny training, recruitment to Service Director posts, a refreshed improvement plan with 'measures that matter', positive feedback from the Courts on cases in proceedings, progress in a number of KPI's as follows: Timelines of

initial child protection conferences, Frequency of supervision, Timeliness of assessments.

However, her main messages were that *'there is still a long way to go before Herefordshire can be confident that it has accurate and timely data feeding through to managers to enable a real grip on performance. There are still too many critical areas of poor performance, including the quality of assessments, plans, supervision and caseload allocations, conversions of referrals. Herefordshire has not yet reached a steady state in respect of leadership, staffing and caseloads – there is a lack of contingency or flex in the system to avoid regular crises occurring. The volume and complexity of work and the lack of a secure, stable workforce in sufficient numbers is severely hampering progress.'*

The Improvement Board (IB) was established to bring senior partners together to oversee Herefordshire's improvement journey and specifically the improvement plan. The IB has continued to meet regularly and for the most part, partners and stakeholders attend. According to the Improvement Advisor, during the time it has met the IB has received a lot of information about activity and performance in children's services, albeit with little evidence of being able to significantly improve outcomes in a timely manner. The partnerships have not been robust enough to be able to assist in accelerating improvements, corporate parenting has not been functional, the profile and impact of prevention /early help still needs to be developed and the inclusion and impact of children and their voices is not yet evident enough.

The Improvement Plan itself and the measures that needed to be monitored have been subject to a lot of change, under the previous DCS's direction and following the current DCS's appointment, which has made it difficult for baselines on key areas of performance to be available, which would have enabled the IB members to monitor progress and offer challenge and support against improvement priorities. A new plan has now been agreed taking account of the Ofsted findings and there is improved infrastructure, including the new Improvement Director to support implementation. This should ensure that the IB is in a better position to monitor and challenge progress going forward.

21. Lack of progress: Stakeholders' views

I listened to feedback from a variety of key stakeholders who attended engagement meetings during November. These sessions were intended to focus on the action plan responding to the Ofsted recommendations but were opportunities for other issues to be raised. The sessions with the voluntary and community representatives and with foster carers were particularly concerning. Similar themes were expressed about:

a) culture - things that were promised but not done, no feedback on referrals, concerns that had been raised and meetings held, lack of response to emails and phone calls, lack of respect for families and between professionals

- b) communication – important information about children not shared, staff and partners not knowing what was happening exacerbated by turnover in social workers
- c) perceived failure by staff and the Council to value other peoples' contributions
- d) impact of many and frequent changes in leadership, managers and front-line staff

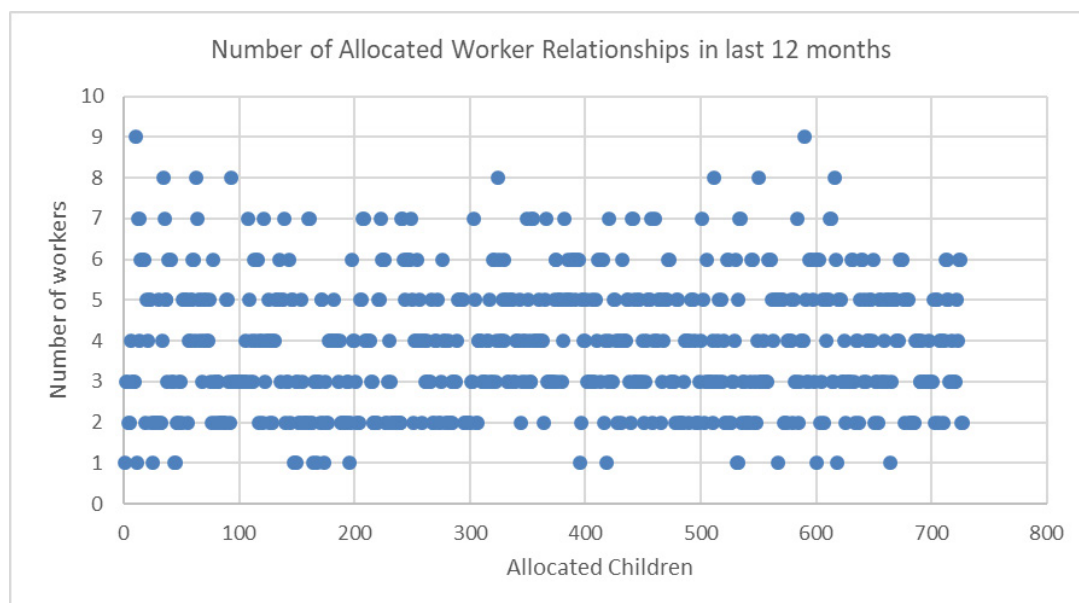
Whilst it was clear that these issues are longstanding, they remain current concerns. I also met with head teachers from across the county and with senior representatives from police and health and heard similar messages about poor communication, lack of continuity and poor social work practice.

22. Impact on children

The turnover of social workers, has been raised by everyone that I have spoken to. This clearly has an impact on others, who are working with children and their families, but will be particularly difficult for the families, themselves. Also, for the children who frequently find themselves having to respond to a new worker. In these circumstances, it is essential that social workers work closely with those who have known the children for longer such as schools and foster carers, but in too many instances, this does not seem to have happened.

The current Service Director, Safeguarding and Family Support holds a weekly performance meeting with her Heads of Service and Service managers. A report was presented at a recent meeting, including the table below which shows the changes in the number of social workers during a previous 12-month period in relation to the current number (754) of children open in the Child Protection/Court service. The average is 3.87 changes of social worker per child. This will have seriously impacted on building relations, and on effective and consistent care planning, support and intervention.

Image 1: Number of Allocated Worker Relationships in last 12 months



During this review, I did not meet directly with any children and young people. The Ofsted inspectors did do this in July and record in their report that:

The Children in Care Council, 'Your voice matters' reported that they are not heard, not responded to and promises made are not adhered to. Children told inspectors that they were angry with the local authority as they do not feel listened to, valued or heard. When decisions are made on their behalf they are not acted on.

Children's services have paid far too little attention to seeking the views of children and young people and acting on those.

23. Workforce

I have met with a number of staff across the service, either individually, or in groups. There are three main themes which characterise how many people describe the environment: a sense of chaos, things started but not completed, and a culture which hasn't supported families and staff well. Staff have raised issues about the impact of inefficient case management system (Mosaic), turnover of managers and social workers and lack of clarity about policies, procedures and the Council's approach with families.

Some staff are mentioning a small shift in recent months, with greater communication and clarity on what is happening. Some welcomed changes are being made to the integrated case management system, Mosaic. There are some longer standing permanent staff who are very committed to Herefordshire, who want to be part of the future. The arrival of the new Service Director and four more visible, supportive and experienced Heads of Service, although interim, is welcomed.

The DfE previously funded two consultants to work with social workers and Team managers to look at the barriers to improvement and suggestions on what needs to change and how this can be achieved. During October and November, the consultants were asked to undertake further engagement activity. They met with 50 social workers and team managers during October and November to hear their views on the key obstacles to improvement. The main issues identified were: (i) the continual churn of new and interim managers, (ii) issues connected with continued remote working and (iii) the associated organisational culture. Their report focused on the perceived barriers to improving practice and shows how much needs to change, with considerable helpful detail and examples. They have since met with the senior leadership team who are now acting on their findings.

On a more positive note, they were impressed with some of the social workers and managers they have met throughout this information and views gathering process. They were able to reflect this back to them which is important. There is a real risk that staff will feel disheartened by the negative views, so that it is crucial that good work is recognised and attention paid to retention alongside recruitment. The DCS issues a weekly update

to all staff and he is now including feedback on good practice that has been evidenced from external comments and more recently a small number of audits.

Recruitment and retention

Previously there had not been enough focus and pace on recruitment and retention despite the recognised need. Recruiting social workers and managers has been difficult in Herefordshire for some years but is also a national challenge. Local authorities need to have a relentless focus on this if they are to retain and attract good staff. Until recently Herefordshire has not done this and the position has become very acute. The Chief Executive set up 6 workstreams to drive improvement and the Strategic Director of HR was given the lead for the workforce workstream. She reports each week on progress. In October, the recruitment processes were streamlined and in November, a new more attractive micro site went live. A financial incentive payment for social workers, who have been in post for three years, has been agreed.

Of the establishment posts, over 50% of social worker and of front-line managers are vacant. Most vacant posts are covered by agency. In addition, there are four managed teams of agency staff in the assessment service which are additional to the establishment which means that over 70% of all case holding social workers are agency. This makes it difficult to provide consistency for children and is of course very costly. The figures below provide some detail, which is updated every week:

Table 2: Social Worker Vacancy Data

Date	All vacancies	Perm SWs required	Perm offers made	Roles advertised
1-14 th November	182	65	9	6
15-30 th November	187	58	17	13

The most recent information suggests that the number of permanent social workers required has reduced to 45, given additional job offers having been made.

It should be noted that the Council's early help service which comprises 68 posts is fully staffed with permanent employees. This suggests that there is likely to be scope to build more proactive 'grow your own' initiatives.

Remote working

Herefordshire has been very slow to return to face to face working following the Covid lockdowns. The Council introduced flexible working – reducing the number of offices and

work spaces in response to increased reliance on remote working. However, in social work this can have a negative impact on performance. It is more difficult to raise standards when too many staff are not in the office. Those that do come in complain that the flexible policy around desks does not work for social work. Staff need to feel they have 'a place' where they can be with team colleagues and share knowledge and get support. Senior managers are beginning to address this.

Too many agency staff were recruited with an agreement that they could spend limited time in Herefordshire. This put additional pressure on local permanent staff who were required to visit families when their allocated social worker was not able to and was equally not good for families to have another social worker visit.

Essex who were commissioned by the DfE to undertake a diagnostic in April 2021 in Herefordshire, commented at that time: *'Social workers and managers had strong concerns about whether there would be sufficient office space once more normalised working is possible. They felt strongly that they need to be physically in teams to support each other and to promote their development by learning from each other. They felt that the agenda of the organisation is to reduce office space as much as possible and that management is not fighting their corner on this.'*

Staff felt their wellbeing had not been a priority in the pandemic. They felt there are too many emails, too much screen time, and that despite the challenges expectations on them had increased.'

24. Performance information and data

There is considerable information available on practice issues from data, reviews and auditing, however this knowledge has not been well used to drive improvement. Following the issuing of the Improvement Notice in April 2021, the Chief Executive commissioned an audit of all open cases. An audit team was established and since then they have undertaken a number of themed audits. The lack of a clear quality and assurance framework that specified the process for using findings to make change meant that this did not happen. The new Improvement Director is now finalising a new QA policy which will ensure that the findings from auditing will be analysed and used to inform training and development.

Performance information is only recently being used to help drive improvement. For a long time, the system was blamed for not supplying accurate and up to date data. Considerable corporate resource and effort have been put in to rectify this. The Council is now using Power Bi to pull data from the case management system, Mosaic. Power Bi is an inter-active system which allows managers to use, to give them up to date data that they can interrogate. This has been in place for some months but previously managers in the service were not using the data to help them analyse what was happening in their service. This is now happening on a more regular basis. Of course, the data only gives quantitative and timeliness information. Knowledge about the quality of, for example

visits, can only come from auditing, good management oversight and feedback from families.

Image 2: Performance Data Dashboard

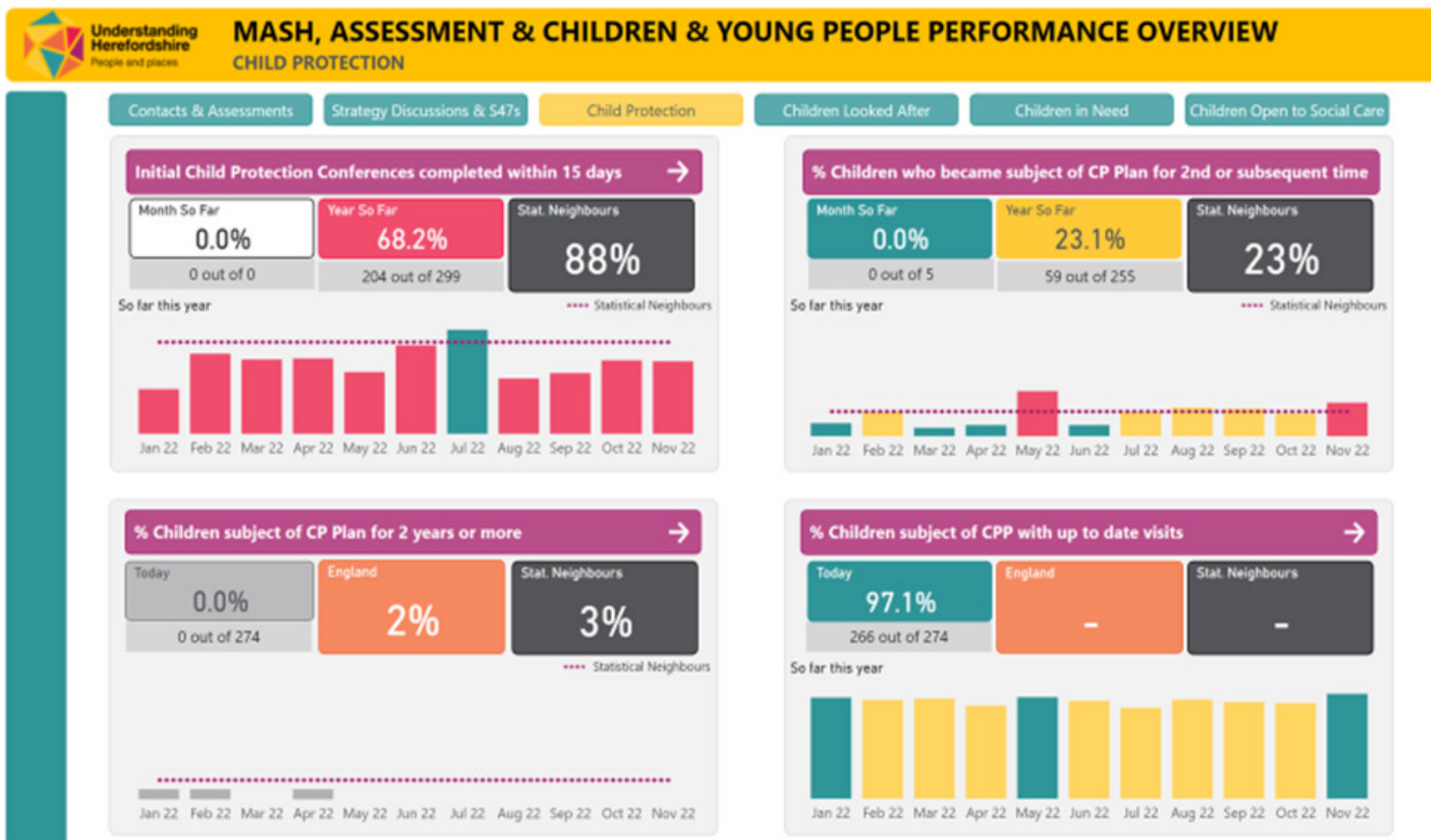
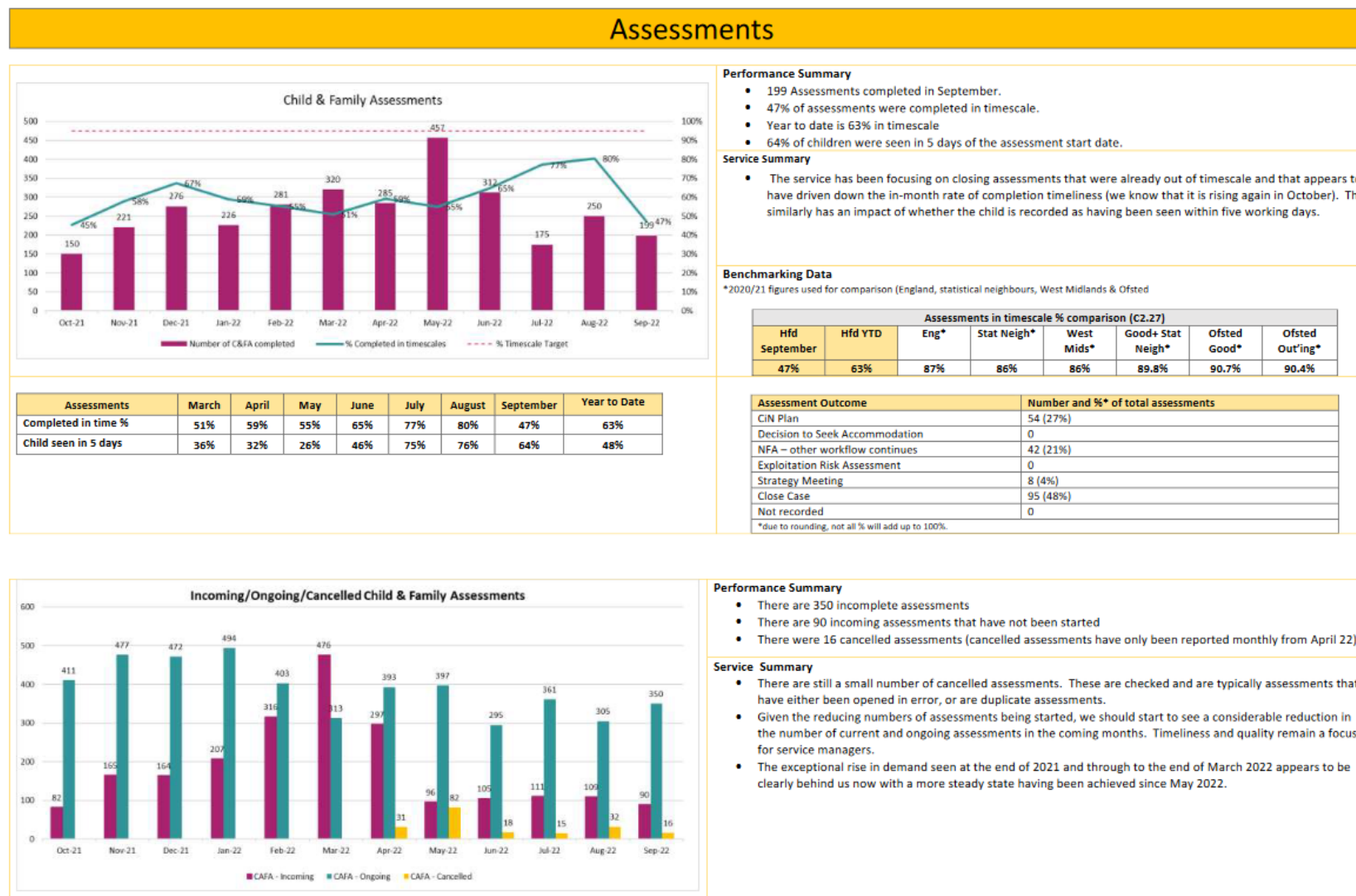


Image 3: Performance Data- Assessments



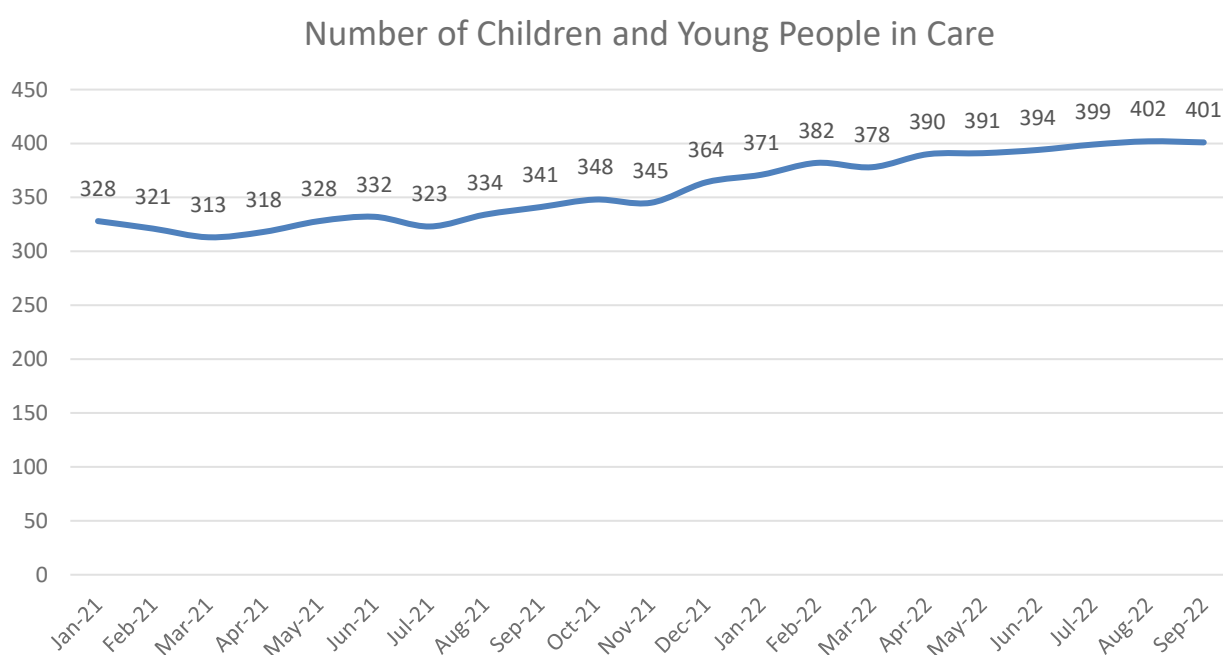
Herefordshire also use a performance dashboard which gives detail on all aspects of children's social care. An example of this, in relation to assessments, is included above.

This should be a good source of trend data, and enable comparison with statistical neighbours and national performance. The dashboard has been presented at Improvement Board meetings but unfortunately there have been longstanding issues about accuracy, with information given at one meeting, that is then queried or changed at a subsequent meeting. The weekly performance meeting now chaired by the Service Director for social care is addressing this, ensuring that the data is scrutinised and amended if need be at that meeting with both service managers and data performance officers now working together.

Hopefully this means that going forward the Improvement Board and others can have confidence in the data, and thus be able to more effectively monitor and challenge. The two slides I have included do illustrate the poor performance on timeliness of initial child protection case conferences and assessments, and high percentage of assessments that are concluded with no further action.

25. Children in Care and Corporate Parenting

Image 4: Number of Children and Young People in Care



At the beginning of December, the number of children in care was 388. Whilst this is a slight reduction from September, compared with statistical neighbours, the number in care is very high (see graph and table below). This is likely to be related to longstanding concerns about poor decision making and drift and delay.

Table 3: Children and Young People in Care Rate (per 10,000)(LAA.1.02)

Herefordshire	England*	Stat Neigh*	West Mids*	Good+ Stat Neigh*	Ofsted Good*	Ofsted Outstanding*
111.0	67	60.2	85	61.5	65.9	55

*2020/21 figures used for comparison (England, statistical neighbours, West Midlands & Ofsted

During the Covid pandemic and after, there was insufficient attention paid to supporting foster carers. This is now beginning to be addressed. The Corporate Parenting Board also did not meet during this period so did not provide the challenge that was clearly needed. It has only recently started meeting again, with some support from the LGA to improve its functioning and effectiveness following a peer diagnostic undertaken by the LGA in May 2022. Their main findings included some positives:

- move towards all-age commissioning supported by a ‘fit for purpose’ commissioning and sufficiency strategy.
- consistent praise for HIPS (Herefordshire Intensive Placement Support)
- the Virtual School, including the appointment of two Educational Psychologists to promote inclusion.
- the work of the EChO team, the early childhood outreach programme at the edge of care.

Their recommendations focussed on the need for development of the Corporate Parenting Board (CPB) with new terms of reference agreed for the Board, slimmed down membership of CPB (in particular six councillors only, nominated by the different Groups on the Council with the lead member for Children as Chair) and an operational sub-group of officers established to deliver the Corporate Parenting Strategy. There is a need for a more business-like and structured approach to CPB meetings, clearer action planning and tracking of outcomes with specific time frames (SMART targets), linked to key indicators to prioritise. Performance data dashboard (for CLA and care leavers) needs to be considered at each CPB meeting, to enable the Board to challenge on behalf of children and young people. However, this needs to be focused around key indicators performing well or off-target, for example health assessments and availability of dentistry to help drive required performance improvements.

Although the Council does fund a number of participation officer posts, they have not been effective at ensuring a strong voice from children in care and care leavers and this needs to be urgently addressed.

26. Education and SEND

There are 99 schools in Herefordshire. Approximately one third are academies, the others being local authority maintained. There are five special schools and one pupil referral unit. Traditionally performance is strong. Herefordshire is one of the top 10 Local Authority areas nationally for the proportion of pupils attending an Ofsted badged good or outstanding school.

There is no strategic education board in place where the local authority leadership can meet with education leaders to consider county wide challenges and issues, and to provide a forum which champions aspiration and ambition for children and young people through education. Until very recently there has not been a SEND strategic board either. The secondary head teachers meet as a group, but primary heads do not, although they do attend a termly leaders' webinar. The current Service Director is now exploring establishing a forum with them. This would present an opportunity to address issues such as suspensions and exclusions, relationship with social care as well as looking at development issues such as the current pressures with increasing special educational needs and lack of spare capacity in the special schools.

Whilst there are appropriate processes in place to respond to individual exclusions, the lack of a strategic forum means that the wider issues, such as how they might be prevented, are not discussed more widely. Given that the trend in relation to suspensions and exclusions as shown below, appears to be rising this is unfortunate.

Image 5: Suspensions 5 Year Trend

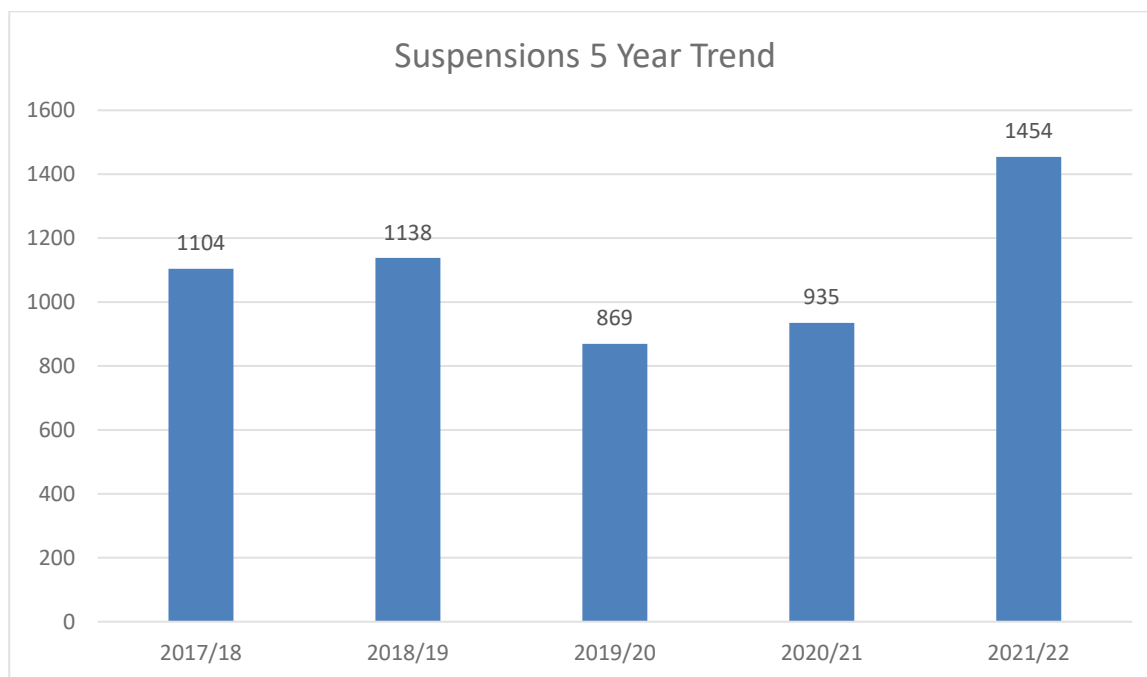
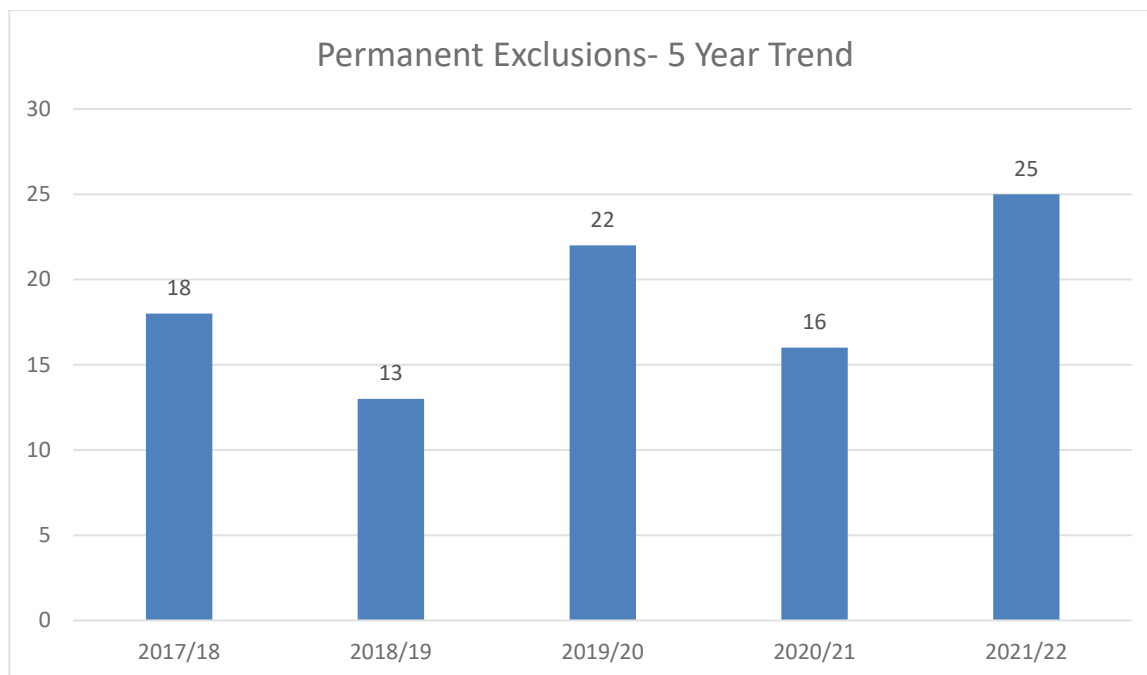


Image 6: Permanent Exclusions- 5 Year Trend



The LGA undertook a peer review of SEND during October. They identified some significant gaps, particularly the lack of strategic direction. They also found that hearing and taking account of the views of children, young people and their families is weak. Their main findings included:

- No inclusion and participation strategy and weak culture of including children and young people.
- Lack of follow-up from annual reviews to update EHCPs.
- Some parents feel misunderstood and blamed for their children's behaviours.
- Early Help and Prevention offer is not explicitly inclusive of SEND.
- Consequence of not understanding children's perspective leads to negative outcomes for them.

Two SEND advisors, one from DFE and the other from the LGA are now supporting the DCS and Service Director to make the improvements needed. SLIP support from Bedfordshire has been agreed and initial scoping of activity will begin in January. A SEND strategic board has now been set up which is being chaired by the DCS. The Strategic Board will be chaired by either the DCS, or possibly the LGA advisor. The immediate tasks of the board are to agree a SEND strategy and action plan based on an updated self-evaluation.

27. Safeguarding Partnership

In August the Safeguarding Partnership appointed a new very experienced Independent Scrutineer. He has reported on his reflections on the Partnership after his first 3 months, which concur with my own findings. In particular:

There is a lack of pace in dealing with some critical issues. Two examples would be the development of the MASH and an ongoing debate about the issue of consent. The latter was reviewed by a task and finish group led by the police and the end result signed off by the MASH group in June 22. However, the issue is still being raised as a fundamental barrier to progressing contacts and referrals quickly and effectively.

The lack of a partnership focussed dashboard is also an impediment to progress. This is something which should be easily resolved as both health and police partners also cover Worcestershire, which has an agreed dashboard which could helpfully form the basis for Herefordshire. I have been told that historically: 'there is a "Herefordshire" way of doing things and a resistance to learning from others'.

This needs to change and I am hopeful that it is beginning to be addressed.

28. Early help developments

The Council run early help service is fully staffed with 68 employees. The service includes the Children's Centre Services offer in Herefordshire, which is open to all families who have a child who is aged 0 to 5 years. The aim is to help parents and carers to give their children the "Best Start in Life". Targeted support is provided through an Early Help Assessment, via the step-down process or as part of child in need or CP plan. All families have a team around the family (TAF) and regular 6 weekly reviews are convened, TAF meetings, liaising and working with all professionals involved. An example of specific support for an identified vulnerable group is First Steps. This programme is an enhanced offer for new parents aged 21yrs and under which aims to offer support that improves outcomes for parents and baby and reduce the requirement for additional specialist services. In partnership with health and Adult Education, families have a designated Early Years Support Worker (EYSW) and have access to information, advice, guidance, support and direct work for the first year of their child's life.

To date in 2022, the service has supported over 400 families. It is the main support service for Ukrainian families, 134 having arrived in Herefordshire. The service is able to give many examples of positive feedback from families such as this feedback from a young person:

"Thank you for helping me do better and making my life feels like it has worth and finally getting me back to school, and feeling normal again".

The Department of Education provided funding for a Prevention and Early Help Project, as part of the Strategic Improvement Plan for Children and Families 2021. The money was used to gather views of children, young people and their families living across Herefordshire, through surveys and face to face meetings. Over 2000 people took part. Key issues which emerged during the consultation were:

- Earlier support for children with SEN and their families is identified as a concern and provision across the county is inconsistent.
- Many families were uncertain about where to access advice, guidance and support. Their preferred method of access was online followed closely by face to face.
- 97% of participants identified that seeking advice from family, friends or a known person in their community is their first step in asking for help.
- Children and families would like to be able to access more self-help groups where they can meet families with shared experiences. This would help to develop support networks.
- Young people also shared that lack of youth provision results in them feeling isolated, uninspired and at risk. Adults also felt provision was limited, resulting in young people “hanging around” public areas with very little to do.

Talk Community is a Council initiative which has developed locally based support initially for adults, but discussions are now underway about extending this approach to children and families as part of early help developments. The programme looks at how people can best be supported and can support each other, and how communities and businesses can develop to meet the local needs of each community. The programme has a number of strands including development of a network of Talk Community hubs throughout the county. The aim of these hubs is to concentrate investment and support to connect people more effectively to their community and to local support systems through effective information and signposting. In larger hubs, this will include offering a range of services that enable people to gain new skills, get help and advice, access a culture and arts offer and receive health and care services.

Given the positive contribution early help already makes, the demography of Herefordshire and the successful introduction of Talk Community, developing this approach makes good sense. It should enable more families to access support earlier on, and reduce the number of social work interventions for families who do not need that level of help.

In December two ‘World Café’ events were held, bringing together a wide range of statutory and voluntary and community organisations to discuss and plan taking this forward. Some immediate changes are planned:

1. The Early Help advice and signposting telephone line is to be re-opened in the New Year. The telephone line was well used prior to it being disestablished in September 2021 (by a previous interim Service Director) and took up to 370 telephone calls a month from professionals, parents and young people wanting advice and guidance on services and provision available to families.

2. An Early Help Domestic Abuse specialist has been recruited through Women's Aid and will start in January 2023. The specialist will sit within early help as a domestic abuse specialist, work as part of the 'team around the family' in the most high-end cases, advise and act as 'the expert' for the early help teams and carry out training if required. This is a new role so will be evaluated and evolve over time.

3. Through the all age commissioning team more work is being done to support the partner agencies: Turning Point (substance misuse) and Women's Aid (Domestic Abuse) to identify more families earlier who would benefit from 'whole family support' at the early help stage.

29. Conclusion

This review has looked in detail at the current position in respect of children's services in Herefordshire, and the history and context that has affected the delivery of those services. Concerns have been longstanding, with limited progress, which was not sustained, over the past ten years. There is little confidence in the service after a spate of negative publicity following the publication of Judge Keehan's judgements in 2018 and 2021, the Panorama programme in May 2022, and the outcome of the most recent Ofsted inspection.

The issuing of an Improvement Notice, appointment of an Improvement Advisor and establishment of an Improvement Board in 2021 did not have the desired impact, with very limited progress made. More recently, following the inspection there has been a stronger corporate drive to make the changes needed and there is some evidence, though recent and small, of positive impact. This includes improvements to communication, Mosaic and performance data, enhanced recruitment activity and reduction in caseloads, in addition to action within the service to review and improve some aspects of case planning.

Whilst I have not considered every aspect of the service in detail, I have focussed on many of the key areas. The impact on too many children and families of a legacy of poor practice, staff turnover, high numbers of agency staff and inconsistent leadership has been very negative. The slowness of the service, following the Covid lockdowns, to return to face-to-face working, including the continued holding of child protection conferences and children in care reviews remotely has been an additional factor. These issues have been known for a long time but have not been consistently or effectively addressed.

Members have struggled to get an appropriate balance between involvement in individual cases and their role in setting strategic policy and direction. There has been very little attention paid to the impact of gaps in important services, such as a youth service and sufficient short breaks for disabled children. The lack of key strategic forums, an inexperienced political administration, and frequent changes in senior and middle leadership in children's services have meant that this has only recently been recognised. Some steps have been taken to re-establish and strengthen essential strategic boards

such as the Corporate Parenting Board, the Children and Young People's partnership and the SEND Strategic Board but this is very recent and has yet to demonstrate any impact. Improved use and analysis of performance data and audit outcomes will enable stronger monitoring and challenge.

The Council is still dealing with and responding to a high level of complaints, many of which have been raised at public meetings, by parents with very concerning stories about their experience of social care intervention. Most of these are historical but some are recent. The DCS and his team have not yet demonstrated a sufficiently rigorous and systematic approach to reviewing and resolving, as far as is possible, all of these cases. It is not unusual for a service which has been judged inadequate to have a number of 'legacy' cases which need addressing but the number in Herefordshire is high and it has taken too long for this to be tackled in the robust way that is needed.

The political and corporate leadership in the Council are determined to make the changes needed. They have allocated significant financial support, have welcomed external advice, and responded positively to the involvement of and advice from the Commissioner. The refreshed Improvement Plan provides a strong framework for the Council and its partners to focus on the actions that will make a difference. The Chief Executive has recognised that corporate leadership is needed to ensure this is driven forward and has taken positive steps to put this in place. The leadership and management in children's services needs to ensure that they maximise the benefit of this support, as well as utilising the agreed external support, to deliver a marked increase in the pace of improvement.

The developments in early help, with the active support of the Talk Community approach, and the voluntary and community sector, present an opportunity to respond earlier and locally to the needs of families. This is of course better for families, but should also reduce the number of children who are referred to social care, and should reduce the number of assessments which lead to no further action. The numbers of children in care remain high. Better consistent social work with improved case planning, is needed to reduce the level of drift and delay that has been a feature of children's social care in Herefordshire for too long.

Children's services in Herefordshire have never been effectively led and managed over a sustained period of time. The very poor performance over years is a sad and difficult legacy that needs urgent and skilled attention to shift.

The views from almost everyone I have spoken to including councillors, representatives from health, police, schools, the voluntary and community sector, foster carers, parents and staff are that to date, steps taken to address the challenges facing children's services have not made the difference needed. The lack of a rigorous and systematic approach has meant that any improvements have been slow and have not created enough confidence that this will be as comprehensive as it needs to be, and sustained.

Despite the support of the corporate centre and the political administration, and some very recent early signs of progress in addressing the quality of practice, in my view, the Council does not currently have the capacity and capability to improve children's services by itself in a reasonable timeframe. In the context of years of difficulties, the DfE intervention in place since April 2021, and the extent of the issues identified by the recent inspection, I have had to consider what will need to happen to make a real and sustained difference now.

Action has been taken since the inspection and we are just beginning to see some slight improvements. I have considered whether or not this is sufficient to provide confidence that long-term sustainable improvement to children's social care can be achieved should operational service control continue to remain with the Council, or if alternative delivery arrangements need to be put in place.

It takes time and resource to establish alternative delivery arrangements and there is a real risk that this could be a major distraction from the urgent need to address matters now. The determination and drive of the Chief Executive, with the clear support of the administration, has brought additional corporate support and oversight, working alongside children's services to bring increased pace to deliver the changes needed. There are some very early signs that this is having an impact. However, the leadership of children's services needs to maximise the benefit of this and other support, by developing more grip and rigour in tackling the issues detailed in this report.

The practice concerns were very evident from April 2021 onwards, and indeed before then. Yet little had changed over a year later when the Ofsted inspection took place. There is no doubt that the Children's services leadership and management need to drive improvement at a far greater pace, and more effectively than they have done to date. This can and must include working with corporate colleagues, acting on the advice of the Commissioner and other external support, securing permanence in the Service Director Education role, as well as vacant Heads of Service posts, and using the opportunity to strengthen the leadership through recruitment to the vacant Service Director role.

In the light of this, I have considered whether services remaining under operational management of the Council, bringing in additional expertise, alongside continued high level over-sight and challenge from the Commissioner and the Improvement Advisor is a better option in the short term. I believe that it is.

This will not necessarily ensure that improvements are sustained, and given Herefordshire's history this is a major consideration. Therefore, I also propose that during this time, options to secure a formal partnership with a good or outstanding local authority are explored to ensure that changes and improvements continue to be made and result in the long-term sustainable improvement that is needed.

I believe it makes sense to build on the work that is already underway, albeit with a strong requirement to see evidence of progress in key areas within a period of three to six months. This report has provided detail on the many aspects of practice, leadership and management that need to change and improve.

In my recommendations at the end of this report, I have outlined the areas where I will expect to see evidence of significant improvement by the end of this period. Ofsted will undertake its first Monitoring Visit around March next year, and this will be an important milestone in reviewing progress since the inspection.

If the arrangements outlined here do not achieve the level of progress needed, in both social care and SEND, within this three-to-six-month timescale, then consideration will need to be given to an alternative delivery model.

30.Recommendations to the Minister

1. Children's services remain under the operational control of Herefordshire Council. The Council will:

- a. Strengthen the leadership of children's services to ensure that the pace of improvement increases rapidly in line with the agreed Improvement Plan.
- b. Ensure that within the next 3 months there will be evidence of progress in:
 - i) Reducing the number of agency social workers and increasing the numbers of permanent social workers
 - ii) Increasing the number of permanent front line Team Managers
 - iii) Increasing the number of child protection case conferences and reviews held face to face.
 - iv) Reducing the proportion of assessments that conclude no further action.
 - v) Children experiencing fewer changes in social worker.
 - vi) Improving the quality of practice seen in audits
 - vii) Finalising the SEND strategy, and acting on agreed immediate priorities.
- c. Resolve, as far as is possible, all outstanding historic complaints.
- d. Agree, with its partners, through a range of Strategic forums, a number of actions which will demonstrate collectively their commitment to raising ambition and aspiration for children and young people, and responding to their views.
- e. Work with the LGA to develop the knowledge and impact of members in key roles, including the leader, lead member and scrutiny members.

2. The role of Commissioner is retained to oversee the securing of short-term external support, and to continue to drive improvement, including working with the Council and its partners to increase the effectiveness of the Improvement Board.

3. The Commissioner should explore options for a long-term partnership with a good or outstanding local authority to deliver sustained improvement.

4. The Commissioner will conduct a review within 6 months

5. If the level and trajectory of progress that is required is not achieved within 6 months, consideration should be given to whether an alternative delivery model is required

Eleanor Brazil, Children's Commissioner, 11/1/2023