

STATUTORY DIRECTION TO WORCESTERSHIRE COUNTY COUNCIL UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996

WHEREAS

1. The Secretary of State for Education (“the Secretary of State”) issued directions to Worcestershire County Council (“the Authority”) pursuant to section 497A(4B) of the Education Act 1996 in 2017 and 2018 in light of inadequate performance by the Authority of its children’s social care functions.
2. The Secretary of State considered the advice of his Children’s Services Commissioner in respect of the performance by the Authority of the functions to which section 497A of the Education Act 1996 (“the 1996 Act”) is applied by section 50 of the Children Act 2004 (“children’s social care functions”), namely:
 - a. social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
 - b. the functions conferred on the Authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph a. above); and
 - c. the functions conferred on the Authority under section 10 of the Children Act 2004.
3. The Authority has with the agreement of the Secretary of State voluntarily established a company limited by guarantee (company number 11447965) named Worcestershire Children First (“WCF”) which from 01/10/2019 will discharge the Authority’s children’s social care functions on its behalf pursuant to the terms of a Service Delivery Contract entered into by the Authority and the WCF.
4. Having considered the Ofsted inspection report of 17 June 2019, the Secretary of State will retain the Children’s Services Commissioner – Trevor Doughty – to oversee the early stages of WCF’s operation to ensure the substantial improvement in the service made by the Authority is sustained by WCF, in line with the Terms of Reference set out in the Annex.
5. In order to further secure that the Authority’s children’s social care functions are discharged to an adequate standard, the Secretary of State considers it expedient to continue to direct the Authority as set out below.

NOW THEREFORE

6. Pursuant to his powers under section 497A (4B) of the 1996 Act, the Secretary of State directs that the Authority shall, in particular, do the following:
 - a. Engage with WCF, and the Authority’s partners whose work impacts on the delivery of the Authority’s children’s social care functions, in a way likely to facilitate continued improvement in the exercise of those functions.

- b. Comply with any instructions of the Secretary of State or the Children's Services Commissioner in relation to the improvement of the exercise of the Authority's children's social care functions and provide such assistance as may be required. In particular to provide the Children's Services Commissioner with such amenities, services and administrative support as he may reasonably require from time to time for the carrying out of his responsibilities in accordance with the Terms of Reference, including:
- i. providing officers' time or support;
 - ii. providing office space, meeting rooms or computer facilities; and
 - iii. complying with such reporting and review arrangements as the Children's Services Commissioner considers necessary.

7. In consequence of this revised direction, the Secretary of State for Education revokes the direction of 3 August 2018. This direction will remain in force until it is revised or revoked by the Secretary of State.

SIGNED ON BEHALF OF THE SECRETARY OF STATE FOR EDUCATION

A handwritten signature in black ink, appearing to read "P. Cunningham". The signature is written in a cursive, flowing style.

A Senior Civil Servant in the Department for Education

Dated: 17/09/2019

ANNEX

Non-Executive Commissioner for Children's Services Worcestershire County Council

TERMS OF REFERENCE – SEPTEMBER 2019

The Children's Services Commissioner in Worcestershire is expected to take the following steps.

1. To issue any necessary instructions to ensure that the Authority supports improvement in the delivery of children's social care by WCF.
2. To monitor the early operation of WCF and use best endeavours to foster effective working arrangements within and between the Authority and WCF.
3. To provide regular updates to the Secretary of State or his officials on progress in Worcestershire, including participation in such formal review meetings as may be convened, and the submission of a report in December 2019 providing an assessment of WCF's first quarter of operation and the Children's Services Commissioner's views on appropriate next steps to secure sustained improvement of services.