

## **STATUTORY DIRECTION TO (KINGSTON UPON) HULL CITY COUNCIL IN RELATION TO CHILDREN'S SERVICES FUNCTIONS AND EDUCATION FUNCTIONS UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996**

WHEREAS:

1. The Secretary of State for Education ("the Secretary of State") has carefully considered Ofsted's report published 6 February 2020, in respect of (Kingston Upon) Hull City Council ("the Council"), of its monitoring visit on 14 January 2020. The monitoring visit found that children's services, in particular children in care, had significantly deteriorated since the inspection in January 2019. The Secretary of State has also considered the Ofsted and the Care Quality Commission's (CQC) report of the joint area SEND revisit between 15 and 17 October 2019. This report confirms a lack of progress in addressing significant weaknesses in relation to SEND service provision.
2. The Secretary of State is therefore satisfied that the Council is failing to perform to an adequate standard, some or all of the functions to which section 497A of the Education Act 1996 ("the 1996 Act") is applied by section 50 of the Children Act 2004 ("children's social care functions"), namely;
  - a) social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
  - b) the functions conferred on the Council under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph a. above); and
  - c) the functions conferred on the Council under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
3. Furthermore, the Secretary of State is also satisfied that the Council is failing to perform to an adequate standard its education functions under the Children and Families Act 2014 ("SEND functions") namely;
  - d) the functions in relation to joint commissioning arrangements for SEND conferred on the local authority by section 26 of the Children and Families Act 2014.
  - e) the duty in relation to keeping education and care provision under review conferred on the local authority by section 27 of the Children and Families Act 2014.
4. The Secretary of State has appointed Paul Moffat as Commissioner for Children's Services and SEND services in Hull ("the Children's Services Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.
5. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with his powers under section 497A(4B) of the Education Act 1996, to direct the Council as set out below in order to ensure

that all of the Council's children's social care and SEND functions are performed to an adequate standard.

NOW THEREFORE:

6. Pursuant to his powers under section 497A(4B) of the Education Act 1996 Act, the Secretary of State directs the Council as follows:

a. To comply with any instructions of the Secretary of State or the Children's Services Commissioner in relation to the improvement of the Council's exercise of its children's social care and SEND functions and provide such assistance as either the Secretary of State or the Children's Services Commissioner may require;

b. To co-operate with the Children's Services Commissioner, including on request allowing the Commissioner at all reasonable times access:

i. to any premises of the Council;

ii. to any document of, or relating to, the Council; and

iii. to any employee or member of the Council,

which appears to him to be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference.

c. To provide the Children's Services Commissioner with such amenities, services and administrative support as he may reasonably require from time to time for the carrying out of his responsibilities in accordance with the Terms of Reference, including:

i. providing officers' time or support;

ii. providing office space, meeting rooms or computer facilities;

d. To co-operate with the Commissioner and their ongoing assessment and recommendations on improvement, including those on the impact of the new leadership arrangements put in place by the Council on children's services in Hull.

7. This direction will remain in force until it is revoked by the Secretary of State.

Signed on behalf of the Secretary of State for Education

EMILY WHITEHEAD

A Senior Civil Servant in the Department for Education

Dated this day of 16 March 2020

## **ANNEX**

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

#### **(Kingston Upon) Hull City Council**

##### **Terms of Reference**

(Kingston Upon) Hull City Council has failed as its children's social care services have been found to be 'inadequate'. In the recent Ofsted monitoring visit report, published on 6 February 2020, it was highlighted that services for Children in Care had significantly deteriorated. In addition, there are concerns with the lack of progress being made in addressing weaknesses relating to SEND provision, as confirmed in the Ofsted/ CQC SEND revisit inspection report, published 23 December 2019.

The Secretary of State is satisfied, therefore, that the Council's children services and SEND functions are not being performed to an adequate standard as required by s.497A of the Education Act 1996. There is a presumption at this point the new leadership team at the Council can demonstrate their ability to bring about improvement although this will be subject to the Commissioner's assessment of this. Initially we are not asking the Commissioner to determine whether children's social care services could be removed from local authority control, for a period of time, in order to bring about sustainable improvement. However, this will be kept under review.

In line with the recommendations set out in the Ofsted report of children's social care, published May 2019, the Ofsted monitoring visit report published 6 February 2020, and recent Ofsted/ CQC SEND revisit inspection report, the Children's Services Commissioner for Hull 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 and SEND services; to identify ongoing improvement requirements; and to recommend any additional support required to deliver those improvements.
2. To bring together evidence and assess the council's capacity and capability to improve its children's social care and SEND services under the leadership of the newly established leadership team.
3. To report to the Parliamentary Under Secretary of State for Children and Families by 17<sup>th</sup> June 2020.